

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
 High Court Appeal No.74 of 2023  
 (Muhammad Khalid Versus Ume Aiman and others)

<b>Dated</b>	<b>Order with signature of Judge</b>
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Present:

Mr. Justice Muhammad Shafi Siddiqui

Mr. Justice Omar Sial

Hearing case (priority)

1. For order on CMA No. 321/2024 (151)
2. For hearing of CMA No. 3667/2023
3. For order on office objection/ reply at A
4. For hearing of main case
5. For hearing of CMA No. 1196/2023

**Dated 14.03.2024**

Mr. Izhar Alam Farooqi Advocate for the Appellant

Mr. Shahid Ali Memon Advocate for the Respondent Nos. 1 to 53

Mr. Ravi Pinjani Advocate for the Intervenors

Ms. Saima Imdad Mangi, AAG for Respondent Nos. 54 and 55

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**Muhammad Shafi Siddiqui, J.-** This High Court Appeal is arising out of an Order dated 21.02.2023, whereby, the services of the Official Assignee in respect of property/properties in question were lifted when the Official Assignee was released from his duties and assignments.

2. It was perhaps on the count that the remuneration and charges were not paid to the Official Assignee for its onward payments to the chowkidars who were appointed to safeguard the property/properties. Record reflects that the Official Assignee was appointed as Receiver on 18.04.2002 in presence of the claims of different individuals on the strength of some title documents such as one before us in the shape of a Conveyance Deed of the Applicant/Intervenor (who were arrayed as Defendant Nos. 13 and 14 in Suit No. 300 of 1988) and not impleaded in these proceedings by the Appellant. On the last date of hearing in order to save the property from being trespassed an ad-interim order was passed. Since one of the party was

willing to secure the outstanding of the Official Assignee, he has placed today two receipts amounting to Rs.5,76,000 and 17,52,600) of the Official Assignee before us in an attempt to disclose that all outstanding of others also, have been paid and payment made through these receipts would cover entire outstanding till date, for the services of Official Assignee which have been restored. The Official Assignee was earlier appointed on 18.04.2022.

3. Ms. Saima Imdad Mangi, AAG has appeared as the Custodian of Evacuee Property and Government of Sindh, submits that it is an Evacuee Property and such record is maintained by the Government. This is perhaps a separate issue which dealt with the status of the property which may be dealt with by the litigants before the forum having jurisdiction.

4. Mr. Ravi Pinjani, learned counsel who is appearing for the Intervenor (Defendant Nos. 13 and 14 in suit) submits that it is now an independent cause as his possession ought to have been restored on the strength of title document, after the removal of the Official Assignee in terms of impugned order. He further submits that for all intent and purposes since he was the last in occupation before the Receiver was appointed, it ought to have been restored or deem to have been restored in favour of his client by the Court. We are not impressed with the contention of Mr. Ravi that his possession should have been restored automatically, once the Official Assignee was appointed as Receiver in 2002 he was no more in possession and also not when the Official Assignee was released from the duties. He would still seek his possession from the Court and not otherwise jump in as being the possession in the property last.

5. Thus, we deem it appropriate that since the Official Assignee was performing his duties he may continue to perform his duties as being Receiver of the property disclosed in the Order dated 18.04.2002, however,

in the light of the facts disclosed in the impugned order, which discloses a disconnect of the Official Assignee viz-a-viz property, as claimed by Mr. Ravi, he may move a fresh application to seek possession of the property by virtue of incorporating necessary facts and submit them before the learned Judge for the restoration of possession. With this understanding the appeal stands disposed of along with listed applications.

*JUDGE*

*JUDGE*

Anjad PS