

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

High Court Appeal No.399 of 2023

Mustansir Ali Sheikha and others
Versus
Ali Adnan Sheikha and others

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Present:
Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Omar Sial.

Hearing case (priority)

1. For orders on office objection/reply at "A"
2. For hearing of main case.
3. For hearing of CMA No.5020/2023 (Stay).

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Dated 22.03.2024

Mr. Ali T. Ebrahim, Advocate for Appellants.

Mr. Abbadul Hussnain, Advocate for Respondents.

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This appeal is filed in respect of an Award which was made Rule of the Court.

Mr. Ebrahim, learned counsel for appellants has taken us to page-4 of the decree that was drawn. It is claimed by Mr. Ebrahim that it actually was drawn on the basis of a statement filed by the Respondents.

Be that as it may, the decree that was drawn was prepared by the office and signed by the learned Judge. The only question raised is that para-4 apparently suggests as if the legal heirs of the parties, who were litigating for an Award and have entered into such understanding.

We may clarify that two of the brothers that is Mansoor Ali Sheikha son of Ibrahimjee Sheikha and Abid Hussain Sheikha son of Ibrahimjee Sheikha passed away after passing of the Award and before the decree was drawn, whereas, Ameer Ali Sheikha passed away much before the Arbitration commenced, who was then

represented by his legal heirs; thus the decree be read with the understanding that Mansoor Ali Sheikha son of Ibrahimjee Sheikha and Abid Hussain Sheikha son of Ibrahimjee Sheikha were the brothers who actually consented to such understanding and their legal heirs have stepped in their shoes. The title of decree is disclosed in the decree drawn and available at page-73. The decree be read accordingly.

The appeal stands disposed off along with pending application(s).

JUDGE

JUDGE

Ayaz Gul