

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI.

High Court Appeal No.26 of 2022

Date

Order with signature of Judge

1. For orders on office objection a/w reply "A".
2. For hearing of main case.
3. For hearing of CMA 164/2022.

16.12.2024.

Mr. Nasrullah Korai, for appellant.  
Zahid Hussain Shah, respondent No.10(b) in person.  
Mr. Zaheer Ahmed, for respondent No.11.

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Apparently in a suit for administration in respect of the assets of deceased Aftab Ahmed Shaikh one of the properties discussed in paragraph 3 of the impugned order came into consideration, whereby an intervener-stranger Kamran Qadir Shaikh-respondent No.11 was ordered to be transferred in his name after partition.

We have heard the learned counsel and perused the material available on record. Without commenting as to whether a lawful or unlawful transaction took place between Aftab Ahmed Shaikh and Kamran Qadir Shaikh or the legal heirs of Aftab Ahmed Shaikh, such directions could not have been given for the benefit of a stranger in a suit for administration. In case, the stranger has any right or lien over the property, pursuant to any contract/agreement or understanding, he may pursue his remedy independently before the Court having jurisdiction but such intervention, which essentially passed a decree of performance in a suit for administration, is not warranted. Thus, to the extent of observations made in paragraph 3 of the impugned order dated 10.12.2021, as being opposed, is set-aside and the Appeal to such extent is allowed and is disposed of alongwith CMA No.164/2022.

Chief Justice

Judge