

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

II-Appeal No.119 of 2021.

Date: Order with signature(s) of the Judge(s)

Fresh Case.

1. For Orders on MA No.3312/2021.
2. For Orders on MA No.3161/2021.
3. For Hearing of Main Case.
4. For Orders on MA No.3162/2021.

28th June, 2021.

Mr. Aftab Ahmed G. Nabi advocate for the Appellant.

1. Urgency granted.
2. Exemption is granted subject to all just exceptions.

3&4. Heard and perused record. Impugned judgment reflects that Mama Abbas Khan leaving legal heirs from two wives as mentioned in decree as well as in appeal. Learned counsel for the appellant contends that legal heirs of Taj Bibi, second wife of Mama Abbas Khan are residing in the demised premises, which is dwelling house and they have no means to arrange another house for their shelter and trial court as well as appellate court have ordered for auction of the premises. Admittedly, legal heirs are entitled to receive their due shares from the property left by deceased late Mama Abbas Khan, hence, there is no illegality in the impugned judgment, however, appellants are residing in the dwelling house and according to counsel they are not capable to purchase this house or to match the price of auction within short time and time may be granted so that they will arrange for their separate shelter or will match the price of auction. Accordingly, instant II-Appeal is disposed of. Auction proceedings shall be conducted within eight months and in alternative parties would be at liberty to bring any buyer and that sale consideration shall be distributed amongst the legal heirs.

JUDGE