

**ORDER SHEET**  
**THE HIGH COURT OF SINDH KARACHI**

Execution No. 71 of 2009  
[National Bank of Pakistan v. Goreja Steel Mills (Pvt.) Ltd.]

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DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For hearing of CMA No.1742 of 2024.
2. For hearing of CMA No.211 of 2021.

**13-03-2025**

Mr. Fawad Saeed, Advocate for the Decree Holder.  
Mr. Zarar Qadir, Advocate for the Objectors.

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**Adnan Iqbal Chaudhry J.** - This Execution Application was transferred from the Lahore High Court as some of the properties sought to be attached and sold were situated at Karachi. One of those properties was Plot No.76-D, Block-2, P.E.C.H.S., Karachi [subject property] and it was averred in the Execution Application that JD No. 2 (Sharafat Hafeez Goreja) was half owner thereof. Therefore, by order dated 13-03-2018, the subject property was attached along with others.

2. By CMA No. 211/2021 under Order XXI Rule 58 CPC, the Objectors namely Muhammad Faheem and Muhammad Mehboob claim to be present owners of the subject property. They submit that said property was never owned by any judgment debtor and therefore pray that the attachment order thereagainst be re-called. Learned counsel for the Objectors submits that at one time the subject property was held by the mother of the JD No.2, namely Razia Begum, but never by the JD No.2 himself; that in 1990, long before the suit, Razia Begum sold the subject property by a registered conveyance deed; and that the Objectors purchased the same in 2010 from the previous owner under a registered conveyance deed along with original title documents. Learned counsel also draws attention to Official Assignee's Reference No. 2/2018 which supports the Objectors.

3. Learned counsel for the Decree Holder acknowledges that the subject property was not mortgaged, rather it is attached as the personal property of JD No.2, however, the Decree Holder made no attempt to verify the title thereof.

4. Heard learned counsel and perused the record.

5. The compromise decree passed in the suit on 21-01-1998 was in terms of offer letter dated 18-12-1997 addressed by the Plaintiff-Bank to Goreja Steel Mills (Pvt.) Ltd. (previously Baksh Steel Mills Pvt. Ltd.). If the terms of the decree are to be as per said letter, then the decree appears to be only against Goreja Still Mills (Pvt.) Ltd. and not JD No.2. However, before passing such order, learned counsel for the Decree Holder is given time to satisfy the Court in that regard.

6. It appears that the subject property was included for attachment in the Execution Application on the basis of a declaration of assets submitted by JD No.2 to the Bank when he acted as guarantor for Goreja Steel Mills (Pvt.) Ltd. The Decree Holder did not make an independent verification of the title of the subject property.

7. A chronology of transfer of title of the subject property has been set-out by the Objectors in their application as follows:

S. No.	Owners of the Property	Dated
1	Allotted by PECHS to Mohammad Ali Hassan	14 May 1950
2	Transferred to Master Attaur Rehman and Master Abdul Hamid vide Registered Conveyance Deed.	11 April 1956
3	Transferred to Razia Begum wife of Shaikh Abdul Hafeez Goreja vide Registered Conveyance Deed.	26 September 1977
4	Transferred to Yasin Ali Gheewala vide Registered Conveyance Deed.	28 June 1990
5	Transferred to Ms. Najma Begum wife of Mr. Khalilur Rehman vide Registered Conveyance Deed.	3 December 1997

6	Transferred to Mr. Muhammad Faheem and Mr. Muhammad Mehboob (Objectors) vide registered Sale Deed.	17 February 2010
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Copies of registered deeds aforesaid have been filed by the Objectors which reflect that JD No.2 was never the registered owner thereof, rather it was purchased in the name of his mother Razia Begum in 1977, who sold it in 1990 by a registered conveyance deed long before the suit, and was eventually purchased by the Objectors as per the table above. Reports with regards to the title of the subject property were also sought from the PECHS and the Official Assignee, both of whom confirm the transfers supra and state that the subject property does not vest in JD No.2. I do not see the need to call for any further evidence.

8. In view of the foregoing, CMA No. 211/2021 by the Objectors is allowed and the attachment order dated 13-03-2018 is re-called for Plot No.76-D, Block-2, P.E.C.H.S., Karachi. The office shall communicate this order to the PECHS.

SHABAN\*

**JUDGE**