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

Suit No.474 of 2009

Date	Order with signature of Judge
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1. For orders on CMA 16436/16 <sup>DU</sup>
2. For orders on CMA 16437/16
3. For orders on commissioner report.

**Dated: 23.11.2016**

Mr. Khalid Mustafa for plaintiff along with attorney of plaintiff namely Sikandar N. Gowani.

Mr. Abdul Wajid Wyne for defendant along with Muhammad Rauf Chappal, attorney of defendant.

- 1) Granted.
- 2) The defendant is a proprietary concern and the proprietor namely Muhammad Amin Chappal has executed a Power of Attorney in favour of his three brothers, one of them namely Muhammad Rauf Chappal is in attendance who is authorized to execute and enter into compromise which application is signed by him and fixed today. The plaintiff has filed this suit through his attorney Sikandar, photocopy of which is produced in court however he has also produced another original Power of Attorney as well. It is contended by counsel for the defendant that the subject unit was booked by the plaintiff through the attorney and the same attorney has deposed evidence before the learned commissioner. Accordingly, I have gone through the contents of compromise application. It seems that the plaintiff through attorney has conceded and surrendered his rights arising out of the agreement and receiving back amount paid to the defendant towards part of sale consideration. The attorney of plaintiff confirms to have received the token amount agreed in the compromise application. The terms of the compromise seems to be within the frame of suit and lawful. Accordingly, the application is allowed and the suit is decreed in terms of the compromise. Learned counsel submits that plaintiff is also entitled to receive the amount of Rs.70,000/- deposited by him with the Nazir of this Court on 13.04.2009 to which defendant has no objection in case such amount is paid back to the plaintiff. Order accordingly. The profit however accrued on the amount of Rs.70,000/- is agreed to be deposited with the High Court Clinic.

*Wajid Wyne*

*[Signature]*

Judge