

Plaintiff son of Deceased,

Deceased Father of Plaintiff and Defendant

Defendant son of Deceased

**PETITION UNDER SECTION 372
OF THE SUCCESSION ACT 1925**

The Petitioner, Plaintiff son of Deceased, respectfully submits the following:

1. Mr Deceased, a Shia Muslim, passed away on X.Y.20XY in Karachi, as evidenced by Annexure "A" - a copy of the Death Certificate issued by the Government of Sindh, Pakistan.
2. Surviving legal heirs of Mr Deceased include:
 - Widow of Deceased, residing at House No. ABC Karachi.
 - Plaintiff son of Deceased, residing at House No. ABC Karachi.
 - Son 2 son of Deceased, residing at House No. ABC Karachi.
 - Son 3 son of Deceased, residing at House No. ABC Karachi.
 - Daughter of Deceased, residing at House No. ABC Karachi.
 - Defendant son of Deceased, residing at House No. ABC Karachi.
 - Son 5 son of Deceased, a minor, residing at House No. ABC Karachi.

3. (Heirship Certificate, FRC, and CNICs of legal heirs are attached as Annexure B/1 to B/).
4. Despite diligent efforts, no will of the deceased has been found.
5. The deceased was maintaining a PLS Saving Account (Account No. 0000-00000000-00) with a current balance of Rs. 9,00,000 as per Annexure B/ .
6. The respondent, Defendant son of Deceased, has failed to provide a sworn affidavit of no objection despite requests.
7. Schedule "C" attached lists the debts, securities, and assets of the deceased.
8. The deceased's last residence was within the jurisdiction of Police Station SB, Karachi.

P R A Y E R

It is, therefore, prayed by the petitioner named above that this Honorable Court may be pleased to grant Succession Certificate and Letter of Administration in her favor in respect of debts, securities and assets shown in schedule "C" annexed with the petition along with all attending powers towards benefits.

Karachi:

Petitioner

Dated

Advocate for the Petitioner

VERIFICATION

I, Plaintiff son of Deceased, Muslim, adult, resident OF Karachi, the petitioner above named, do hereby state and verify on oath at Karachi on this _____day of January 2022 that the facts stated in the foregoing paragraphs and the legal pleas taken above are true and correct to the best of my personal knowledge, belief and information.

Karachi:

Dated: PETITIONER/DEPONENT

Documents filed: Annexure "A" to "C"

Address for Service on the Petitioner: - As given in the title.

Address for Service

FOR IMMEDIATE USE IN COURT
ON BEHALF OF THE PETITIONER

**IN THE COURT OF DISTRICT & SESSION JUDGE WEST AT
KARACHI
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2022

Plaintiff

Petitioner

Deceased

Deceased

Defendant

Respondent/ Objector

A F F I D A V I T

I, Plaintiff son of Deceased, Muslim, adult, resident of Karachi,
do hereby state on oath as under: -

1. That I am one of the legal heirs of the deceased being his son and the petitioner in this petition, as such am fully aware of the facts of the case.
2. That the accompanying petition under Section 372 of Succession Act, 1925, for grant of Succession Certificate in my favor in respect of debts and securities of my late father has been drafted and filed by my counsel under my specific instructions and for brevity sake, its contents may please be treated as an integral part and parcel of this affidavit.
3. That my father's death expired on X.Y.20XY at Karachi.

3. That my deceased father was Shia Muslim and at the time of his death the deceased had left behind the following surviving legal heirs and next of kin namely: -

1. widow of Deceased, Muslim, adult, resident of House No. ABC Karachi, (Widow of the deceased)
2. Plaintiff son of Deceased, Muslim, adult, resident of House No. ABC Karachi, (Son of the deceased)
3. son 2 son of Deceased, Muslim, adult, resident of House No. ABC Karachi, (Son of the deceased)
4. son 3 son of Deceased, Muslim, adult, resident of House No. ABC Karachi, (Son of the deceased)
5. daughter of Deceased, Muslim, adult, resident of House No. ABC Karachi
(Daughter of the deceased)
6. Defendant son of Deceased, Muslim, adult, resident of House No. ABC Karachi, (Son of the deceased)
7. son 5 son of Deceased, Muslim, minor, resident of House No. ABC Karachi, (Son of the deceased)

4. That I state that after the death of the said deceased, due and diligent search has been made for his will but none has been found.

5. That I state that the parents of the deceased already expired during his lifetime. I am the son of the deceased and entitled _____% share in the estate of the said deceased.

6. That I state that no application has been made to any court and no grant has been made for succession certificate and letter of administration, probate, in respect of the debts, securities or estate of my deceased husband and there is no impediment under the law to the grant of the certificate and letter of administration or validity thereof if it was granted.

7. I state that the deceased was maintaining / operating a PLS Saving Account No.0000-00000000-00 at the bank, and at present an amount to the tune of Rs.9,00,000.

8. That I state that the said deceased, at the time of his death has left the above said immovable properties and that no other property or will has been found in spite of diligent search.

9. That I have neither filed any other similar petition before any Court of Law prior to this one, nor have concealed any material fact from this Honorable Court.

10. That unless the accompanying petition is allowed as prayed, I and other legal heirs of the deceased shall be seriously prejudiced and shall suffer losses.

11. That whatever I have stated above is true and correct to the best of my personal knowledge, belief and information.

**IN THE COURT OF DISTRICT & SESSION JUDGE WEST AT
KARACHI
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2022

Plaintiff

Petitioner

Deceased

Deceased

Defendant

Respondent/ Objector

A F F I D A V I T

I, Affiant 1, Muslim, adult, holding, resident of Karachi, do hereby state on oath as under:

1. That I am the deponent of this affidavit and I know the deceased and petitioner, and as such am fully aware of the facts.

2. The Deceased who was the husband of petitioner and father of other legal heirs, died at Karachi on X.Y.20XY leaving behind seven legal heirs. To my knowledge there is no other legal heir of the deceased except mentioned above.

3. That I have known the petitioner and deceased for 10 years being their family friend and neighbors.

4. That whatever I have stated above, is true and correct to the best of my personal knowledge, belief and information.

**IN THE COURT OF DISTRICT & SESSION JUDGE WEST AT
KARACHI
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2022

Plaintiff

Petitioner

Deceased

Deceased

Defendant

Respondent/ Objector

A F F I D A V I T

I, Affiant 2 resident of Karachi do hereby state on oath as under:

1. That I am the deponent of this affidavit and I know the deceased and petitioner, and as such am fully aware of the facts.

2. The Deceased who was the husband of petitioner and father of other legal heirs, died at Karachi on X.Y.20XY leaving behind seven legal heirs. To my knowledge there is no other legal heir of the deceased except mentioned above.

3. That I know the petitioner and deceased for 10 years being their family friend and neighbors.

4. That whatever I have stated above, is true and correct to the best of my personal knowledge, belief and information.

**IN THE COURT OF DISTRICT & SESSION JUDGE WEST AT
KARACHI
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2022

Plaintiff

Petitioner

Deceased

Deceased

Defendant

Respondent/ Objector

**SCHEDULE OF DEBTS AND SECURITIES BELONGING TO THE
DECEASED**

A PLS Saving Account No.0000-00000000-00 bank Karachi,

Rs.9,00,000.

FOR IMMEDIATE USE IN COURT
IN THE COURT OF DISTRICT & SESSION JUDGE WEST AT
KARACHI
(TESTAMENTARY & INTESTATE JURISDICTION)

S.M.A No. /2022

Plaintiff

Petitioner

Deceased

Deceased

Defendant

Respondent/ Objector

A F F I D A V I T

I, widow of Deceased, Muslim, adult, resident of House No. ABC Karachi do hereby state on oath as under:

1. That I am the widow of the deceased and one of the legal heirs, as such am fully aware of the facts of the case. That the contents of the accompanying petition have read over and explained to me and I state that the same are true and correct.
2. That my deceased husband had died at Karachi on X.Y.20XY leaving behind me and my sons/daughter as surviving legal heirs including petitioner who is my son as well as son of deceased.
3. That at the time of his death my late husband has left behind certain moveable properties, the detail of the said properties are mentioned in the schedule of the properties annexed herewith.
4. That the petitioner is my real son and I have no objection if the petition is granted in his favor and I waive the notice of this petition.

5. That unless the accompanying petition is allowed as prayed in favour of my son, the petitioner, I and other legal heirs of deceased shall be seriously prejudiced.

6. That whatever I have stated above is true and correct to the best of my personal knowledge, belief and information.

FOR IMMEDIATE USE IN COURT

**IN THE COURT OF DISTRICT & SESSION JUDGE WEST AT
KARACHI
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2022

Plaintiff

Petitioner

Deceased

Deceased

Defendant

Respondent/ Objector

A F F I D A V I T

I, son 2 son of Deceased, Muslim, adult, resident of House No. ABC Karachi do hereby state on oath as under:

1. That I am son of deceased and one of the legal heirs, as such am fully aware of the facts of the case. That the contents of the accompanying petition have read over and explained to me and I state that the same are true and correct.
2. That my deceased father had died at Karachi on X.Y.20XY leaving behind me and my brothers / sister as surviving legal heirs including petitioner who is my brother and son of deceased.
3. That at the time of his death my late father has left behind certain moveable properties, the detail of the said properties are mentioned in the schedule of the properties annexed herewith.
4. That the petitioner is my real son and I have no objection if the petition is granted in his favour and I waive the notice of this petition.

5. That unless the accompanying petition is allowed as prayed in favour of my brother, the petitioner, I and other legal heirs of deceased shall be seriously prejudiced.

6. That whatever I have stated above is true and correct to the best of my personal knowledge, belief and information.

FOR IMMEDIATE USE IN COURT

**IN THE COURT OF DISTRICT & SESSION JUDGE WEST AT
KARACHI
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2022

Plaintiff

Petitioner

Deceased

Deceased

Defendant

Respondent/ Objector

A F F I D A V I T

I, son 3 son of Deceased, Muslim, adult, resident of House No.
ABC Karachi do hereby state on oath as under:

1. That I am son of deceased and one of the legal heirs, as such am fully aware of the facts of the case. That the contents of the accompanying petition have read over and explained to me and I state that the same are true and correct.
2. That my deceased father had died at Karachi on X.Y.20XY leaving behind me and my brothers / sister as surviving legal heirs including petitioner who is my brother and son of deceased.
3. That at the time of his death my late father has left behind certain moveable properties, the detail of the said properties are mentioned in the schedule of the properties annexed herewith.
4. That the petitioner is my real son and I have no objection if the petition is granted in his favour and I waive the notice of this petition.

5. That unless the accompanying petition is allowed as prayed in favour of my brother, the petitioner, I and other legal heirs of deceased shall be seriously prejudiced.

6. That whatever I have stated above is true and correct to the best of my personal knowledge, belief and information.

FOR IMMEDIATE USE IN COURT

**IN THE COURT OF DISTRICT & SESSION JUDGE WEST AT
KARACHI
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2022

Plaintiff	Petitioner
Deceased	Deceased
Defendant	Respondent/ Objector

A F F I D A V I T

I, daughter of Deceased, Muslim, adult, resident of House No. ABC Karachi do hereby state on oath as under:

1. That I am daughter of deceased and one of the legal heirs, as such am fully aware of the facts of the case. That the contents of the accompanying petition have read over and explained to me and I state that the same are true and correct.

2. That my deceased father had died at Karachi on X.Y.20XY leaving behind me and my brothers / sister as surviving legal heirs including petitioner who is my brother and son of deceased.

3. That at the time of his death my late father has left behind certain moveable properties, the detail of the said properties are mentioned in the schedule of the properties annexed herewith.

4. That the petitioner is my real son and I have no objection if the petition is granted in his favour and I waive the notice of this petition.

5. That unless the accompanying petition is allowed as prayed in favour of my brother, the petitioner, I and other legal heirs of deceased shall be seriously prejudiced.

6. That whatever I have stated above is true and correct to the best of my personal knowledge, belief and information.

Karachi.

Dated

Deponent
CNIC:

**IN THE COURT OF DISTRICT & SESSION JUDGE WEST AT
KARACHI
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2022

Plaintiff

Petitioner

Deceased

Deceased

Defendant

Respondent/ Objector

**APPLICATION UNDER ORDER 32 RULE 4
C.P.C. READ WITH SECTION 151 C.P.C.**

It is prayed on behalf of the petitioner above named that this Honorable Court may graciously be pleased to allow the legal heir of the deceased above named widow of Deceased, Muslim, adult, resident of House No. ABC Karachi, to act as a guardian ad literatim of the minor legal heir of the deceased namely son 5 son of Deceased. The said proposed guardian is the real mother of the said minor and her interest is not adverse to that of the minor.

An affidavit in support of the above para is filed herewith.

Prayer is made in the interest of justice.

Karachi

Dated

Advocate for the petitioner

**IN THE COURT OF DISTRICT & SESSION JUDGE WEST AT
KARACHI
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2022

Plaintiff

Petitioner

Deceased

Deceased

Defendant

Respondent/ Objector

A F F I D A V I T

I, widow of Deceased, Muslim, adult, resident of House No. ABC Karachi, do hereby state on oath as under:

1. That I am one of legal heirs in the above case as such fully aware about the facts of the case. The accompanying application under order 32 rule 4 CPC read with section 151 CPC has been drafted under my instruction and for the sake of brevity the contents of the same may be treated as a part of this affidavit.
2. That I state that I, being the proposed guardian of son 5 son of Deceased, am mother of the minor and I state that I have no adverse interest to that of the minor.
3. That I say that the petitioner is my son and I also have no objection on behalf of the above minor if the petition is granted in his favor and I waive the notice of this petition.
4. That the ends of the justice will be well serves if the accompanying application is allowed.

That whatever is stated above is true and correct to the best of my knowledge and belief.

Karachi.

Dated

Deponent

IN THE HIGH COURT OF SINDH AT KARACHI

F.R.A No. /2021

1. MAA / Plaintiff 1
Son of GN
Muslim, adult, resident of Flat Karachi
2. MF / Plaintiff 2 S/o GF
Muslim, adult, having shop No.A,
EShop Center,
Karachi
3. MB / Plaintiff 3 S/o NA
Muslim, adult, having shop No. B,
EShop Center, Karachi
Appellants

VERSUS

MAR / Defendant
Son of MA, resident of Flat,
Karachi Respondent

**APPEAL UNDER SECTION 24 OF CANTONMENT
RENT RESTRICTION ACT 1963**

Being aggrieved and dissatisfied with the judgment dated X-Y-20XY passed by the learned Controller of Rents Faisal Cantt, Karachi, upon the respondent's application under section 17(9) of the Cantonment Rent Restriction Act 1963 whereby allowing the same and directed the appellant to hand over the vacant peaceful possession of rented premises to the respondent in Rent Case No. 49/2019 (MAR / Defendant Vs MAA / Plaintiff 1 & Others), the appellants begs to prefer the above appeal before this Honorable Court on the following facts and grounds: -

(Certified true copy of Order dated X-Y-20XY whereof is filed herewith and marked as annexure 'A/1').

FACTS

1. That the respondent filed an application for ejectment under section 17 of Cantonment Rent Restriction Act in respect of rented premises i.e. Shop No. G-A, G-B, situated at EShopping Mall, Karachi, wherein he stated that he is tenant of Shop No. G-A & G-B and running his business He further stated that he previously filed case No. 555 before VIIIth Sr. Civil Judge / Rent Controller at Karachi East but due to proper pecuniary jurisdiction it was withdrawn from said court and hence he filed the instant rent case. He further stated that he is the tenant and also special attorney of the landlord of the said premises and he further divided the said shop in five portions i.e. Shop No. G, G-A, G-B, G-C & G-D. He rented out the two portions i.e. G-A & G-B to the appellant No.1 at the monthly rent of Rs.1,00,000/- w.e.f Y-Z-20YZ vide tenancy agreement.
2. That it is further alleged in the said application that the said appellant No.1 has subleased these two portions to the appellant No.2 and 3 without any agreement. He further alleged that the appellant is in default of monthly rent w.e.f May 20YZ.
3. That the respondent has further alleged that the appellants are threatening him under the umbrella of Political party for destroying his business and dire consequences.

4. That the said respondent has also filed an application under Section 17(8) of the Cantonment Rent Restriction Act 1963 along with the above said application for depositing of arrear of rent in respect of above rented premises by the appellant.

(Copies of Ejectment Application and Application under section 17(8) of CRRRA 1963 along with annexures are attached herewith and marked as annexure A/ to A/)

5. That the appellants have filed their written statements and denied all the allegations made in the above rent application and stated that the respondent is neither the landlord / owner of the above said rented premises and has no locus standi to file instant rent case. It is further submitted that he has failed to prove the relationship of landlord and tenant which is one of basic ingredients for prove his case. Moreover, he also failed to produce tenancy agreement and any rent receipt issued by him. Moreover, he has failed to produce any lawful authority to file rent case against the appellants and the appellants stated that they have not taken the said premises from the said respondent.
6. It is further submitted that the respondent himself admitted in his written statement filed in Suit No. 999/20YZ has specifically divulged that he has no relation with the opponent and has neither given the said premises to the opponent on rent but later he filed this false and frivolous case against the appellants on the basis of forged documents.

7. That it is humbly submitted that the appellant has also pointed out that as per clause 7 of Tenancy Agreement executed by the respondent with the said Land owner (landlord) dated A-B-200E, the tenant shall have no right to let or sub-let the said premises or any portion thereof to any other party under any circumstances. The relevant portion of said clause 7 of Tenancy Agreement dated A-B-200E is reproduced as under: -

“Neither the tenant shall have the right to let or sub-let the said premises or any portion thereof to any other party under any circumstances.”

(Copy of the Tenancy Agreement dated A-B-200E is filed herewith and marked as annexure A/)

8. That it is further submitted that the respondent No.1 is claiming rent @ Rs.50,000/- per portion, whereas as per attached so called rent receipt, Rs.60,000/- of Portion G-B was showing which also creates doubt over the said tenancy agreement, which he has no power to execute the same. It is further submitted that in the said agreement detail of any portion / Shop No. G/A & G/B has been mentioned.
9. That the appellants also filed counter affidavit of above said application under section 17(8) of CRRA 1963 and denied the execution of tenancy agreement and relationship of applicant / respondent as landlord and no relationship of landlord and tenant is existing between the appellants and the respondent as such he has no authority to claim rent from the appellant.

(Copies of Written Statements and Counter affidavit of said application are attached and marked as annexure A/ to A/)

10. That the Learned Trial Court passed an order dated AB-AA-20B0 on the above said application of the respondent wherein directed the appellant No.1 to pay the arrears of rent to the respondent without any lawful authority as no relationship of landlord and tenant was proved which is one of the main ingredient to prove the case. That the appellants have filed his application for redressal of grievances on the legal issues.

(Copies of the order dated AB-AA-20B0 and application for redressal of grievances on the legal issues along with affidavit are attached herewith and marked as annexure A/ to A/)

11. That on AG-AB-20AI, one MM son of MAR has filed an application under section 17(9) of Rent Restriction Act, 1963, for struck off the defence of appellants , the said application was signed and filed by an incompetent and unauthorized person and the said application is not maintainable under the law but the learned trial court without considering the facts and circumstances raised by the appellants in his counter affidavit, was pleased to pass an impugned order, hence this appeal on following grounds.

(Copies of application under section 17(9) of Rent Restriction Act, 1963 and Counter affidavit filed by the appellants are filed herewith and marked as annexure A/ to A/)

GROUND

1. That the impugned order passed upon the above said rent case is not warranted by law and facts of the case.
2. That the Learned Trial court had not advertent to the facts that the respondent has failed to adduce the positive evidence in support of his case and he totally failed to prove the tenancy of the appellant. It is submitted that the appellants has claimed that he has not taken the said property on rent from the respondent as the respondent has himself stated in the application that he is tenant of one Mst Land owner, and the said issue has yet to be decided that whether he is authorized to give said shops to the appellants if so under what capacity and as such the learned rent controller has passed without having any jurisdiction and as such the said order is liable to be dismissed with special costs..
3. That the impugned order is null, void and bad in law and as such is liable to be set aside.
4. That the impugned order passed by the Learned Trial Court does not warrant by the law and facts as such bad in the eye of law, as such liable to be set aside.
5. That the learned Trial Court has miserably failed to consider the material produced by the parties in support of their contention and as such the Learned Trial Court ought to consider the evidence produce by the appellant and dismissed the respondent's application.
6. That the Learned Trial Court has failed to consider that the respondent by way of hook and crook want to eject the appellant and

since from the beginning and the respondent has started a campaign of harassment and blackmailing.

7. That the Learned Trial Court misread and mis appreciating the evidence produce by the parties as such, the impugned order is liable to be set aside.

8. That the learned Trial Court while deciding the respondent's application has failed to consider that the main application for ejectment filed by an incompetent person and as such the application is not maintainable under the law and whatever order is passed upon the main ejectment application is having no legal entity and under the circumstances the learned trial court ought to dismiss the respondent's application.

9. That the Learned Trial Court has failed to consider that as per clause 7 of Tenancy Agreement executed by the respondent with the said Land owner (landlord) dated A-B-200E, the tenant shall have no right to let or sublet the said premises or any portion thereof to any other party under any circumstances. The relevant portion of said clause 7 of Tenancy Agreement dated A-B-200E is reproduced as under: -

“Neither the tenant shall have the right to let or sub-let the said premises or any portion thereof to any other party under any circumstances.”

10. That submitted that the respondent is claiming rent @ Rs.50,000/- per portion in the main application , whereas as per attached so called rent receipt, Rs.60,000/- of Portion G-B was showing which also creates doubt over the said tenancy agreement, and he has

no power to execute the same. It is further submitted that in the said agreement no detail of any portion / Shop No. G/A & G/B has been mentioned in the said tenancy agreement.

11. That the learned trial Court erred to pass an impugned order without given a proper opportunity of crossing examination of the respondent hearing to the appellants and condemned the appellant unheard. It is submitted that under the circumstances the learned trial ought to have decide the same after come into conclusion that whether the respondent is entitle to file instant application and moreover the main ingredient of rent case i.e. that relationship of landlord and tenant is yet to be decided and the appellants have not been given proper opportunity for proving the same.

12. That the appellants were not given any opportunity to prove his claim resulting in miscarriage of justice.

13. That the appellants crave to urge other grounds at the time of hearing of appeal.

PRAYER

It is therefore, very humbly rayed that this Honorable Court may be pleased to call for the record and proceeding of the Rent Case No. DI/2019 (MAR / Defendant versus MAA / Plaintiff 1 & Others) from court of learned Controller of Rent Cantonment Board, Faisal Karachi and after hearing the parties, set aside the impugned order

and or pass any other or further order which this Honorable Court
may deem fit and proper under the circumstances of the case.

Karachi
Dated

Appellant No. 1

Appellant No. 2

Appellant No.3

Advocate for the Appellants

VERIFICATION

I, MAA / Plaintiff 1 Son of GN, Muslim, adult, resident of Karachi,
the appellant No. 1 above named, do hereby state and verify on oath
that whatever stated above is true and correct to the best of my
knowledge and belief.

DEPONENT

Documents filed : Annexure 'P/1 to P/

Address of the parties: As given in the title.

IN THE HIGH COURT OF SINDH AT KARACHI

F.R.A No. /2021

MAA / Plaintiff 1 & Others

Appellants

VERSUS

MAR / Defendant

Respondent

APPLICATION FOR STAY UNDER SECTION 24(2) OF
CANTONMENT RENT RESTRICTION ACT READ
WITH SECTION 151 CPC

It is prayed on behalf of the appellants above named that this Honorable Court may be pleased to grant stay of operation of execution proceeding in Rent Case No. DI of 2019 till the disposal of the appeal.

An ad-interim orders to this effect are solicited.

Karachi

Dated

Advocate for the Appellants

IN THE HIGH COURT OF SINDH AT KARACHI

F.R.A No. /2021

MAA / Plaintiff 1 & Others

Appellants

VERSUS

MAR / Defendant

Respondent

AFFIDAVIT

I, MAA / Plaintiff 1 Son of GN, Muslim, adult, resident of Karachi,
do hereby state on oath as under: -

1. That I am the appellant No. 1 in the above appeal and as such I am fully conversant with the facts of the case. The accompanying application for stay of execution proceeding has been drafted under my instructions and for the sake of brevity the contents of the same may be treated as a part and parcel of this affidavit.
2. That I have filed this appeal on sound grounds and am sanguine of my success therein.
3. That I state that I have every apprehension that the respondent may obtain an order of ejectment and I am likely to be ejected from the premises in question unless this Honorable Court grants the stay as prayed for.
4. That unless the accompanying application is allowed as prayed I and other appellants shall suffer irreparable loss.

That whatever is stated above is true and correct to the best of
my knowledge and belief.

Karachi.

Dated /04/2021

Deponent

IN THE HIGH COURT OF SINDH AT KARACHI

F.R.A No. /2021

MAA / Plaintiff 1 & Others

Appellants

VERSUS

MAR / Defendant

Respondent

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Karachi

Dated

Advocate for the Appellants

IN THE HIGH COURT OF SINDH AT KARACHI

F.R.A No. /2021

MAA / Plaintiff 1 & Others

Appellants

VERSUS

MAR / Defendant

Respondent

APPLICATION UNDER RULE IX CHAPTER 3-A VOLUME V
HIGH COURT RULES & ORDERS

For the facts and reasons disclosed in the accompanying affidavit as well as in main appeal and stay application, it is respectfully prayed on behalf of the appellants named above that this Hon'ble Court may be pleased to treat this matter as urgent one and that it may be fixed for orders/Katchi Peshi in Court or Chamber on _____.

Prayed accordingly in the interest of justice.

Karachi:

Dated: /04/2021

Advocate for Appellants

IN THE HIGH COURT OF SINDH AT KARACHI

F.R.A No. /2021

MAA / Plaintiff 1 & Others

Appellants

VERSUS

MAR / Defendant

Respondent

A F F I D A V I T

I, MAA / Plaintiff 1 Son of GN, Muslim, Adult, resident of Karachi,
do hereby state on oath as under: -

1. That I am the Appellant No.1 in the above petition and as such fully conversant with the facts of the case.
2. That the accompanying application under Rule IX Ch.3-A, Vol. V High Court Rules & Orders has been filed by my advocate under my specific instructions and for brevity sake its contents may please be treated as an integral part and parcel of this affidavit.
3. That I say that I am facing hardship and have seriously apprehension that I may be evicted from the demised premises by getting eviction order from executing court.
4. That unless accompanying application is allowed as prayed, I and other appellants shall be seriously prejudiced and shall suffer irreparable loss.

That whatever I have stated above is true and correct to the best of my personal knowledge, belief and information.

KARACHI:
DATED:

DEPONENT

IN THE HIGH COURT OF SINDH AT KARACHI

F.R.A No. /2021

MAA / Plaintiff 1 & Others

Appellants

VERSUS

MAR / Defendant

Respondent

**APPLICATION FOR EXEMPTION FOR FILING
ORIGINAL/CERTIFIED COPIES OF ANNEXURES**

It is most respectfully prayed on behalf of the Appellants that this Honorable Court may be pleased to exempt the appellants from filing originals or certified copies of Annexures as the same are not available with the appellants.

Prayer is made in the interest of justice.

Karachi

Dated

Advocate for the Appellants

IN THE HIGH COURT OF SINDH AT KARACHI

F.R.A No. /2021

MAA / Plaintiff 1 & Others

Appellants

VERSUS

MAR / Defendant

Respondent

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR EXEMPTION
FOR FILING ORIGINAL/CERTIFIED COPIES OF ANNEXURES**

I, MAA / Plaintiff 1 Son of GN, Muslim, Adult, resident of Karachi,
do hereby state on oath as under: -

1. That I am the Appellant No.1 in the above petition and as such
fully conversant with the facts of the case and the accompanying
application for exemption for filing original/certified copies of annexures
has been drafted and filed under my instructions and for the sake of
brevity the contents of the same may be treated as a part and parcel of
this affidavit.

2. That I state that due to urgency I could not get the original
/certified true copies of the annexures to the appeal which will be filed if
required later on.

3. That unless the accompanying application is allowed, I
shall be seriously prejudiced.

That whatever is stated above is true and correct to the best of
my knowledge and belief.

Karachi.
Dated

Deponent

IN THE COURT OF CIVIL JUDGE SOUTH AT KARACHI

Civil Suit No. /2023

Mr. AJB / Plaintiff son of
YMB (Late)
Muslim Adult, Resident Karachi,
through his duly constituted attorney
Mst HB wife of AJB / Plaintiff
Muslim, adult, resident Karachi
Plaintiff

VERSUS

1. Mr. AS / Plaintiff 1 s/o
YMB (Late)

2. Mst. MB / Plaintiff 2 D/o
YMB (Late)

3. Mst RB / Plaintiff 3 W/o
MA (Late)

4. Mst MB / Plaintiff 4
D/o MA (Late)

5. Mr. M / Plaintiff 5 S/o
MA (Late)
Muslim, adult , resident of

6. Mr. AA / Plaintiff 6
S/o MA (Late)

7. Mr. M / Plaintiff 7 S/o
MA (Late)

All Muslims, Adults, Resident of House Karachi

8. Mst SB / Plaintiff 8 daughter of
YMB (Late)
Muslim Adult, Resident of

Karachi,

9. NAB / Plaintiff 9 son of
YMB (Late)
Muslim Adult, Resident of

Karachi,

10. Sub Registrar
K.M.C. & Katchiabadies, Karachi
Having office at

Karachi

Defendants

**SUIT FOR DECLARATION, POSSESSION,
ADMINISTRATION, PARTITION, MESNE PROFIT AND
PERMANENT / MENDATORY INJUNCTION**

1. That the plaintiff is law abiding and peace loving member of the Society, honest, brave, have got good reputation and is one of renown personality of the society. It is further submitted that presently in connection with his job, he is living at _____ USA.
2. That the father/grandfather namely YM and mother/grandmother namely Mst SYM of the plaintiff and defendants No.1 to 9 jointly purchased an immoveable property i.e. House No. AEG Karachi, hereinafter referred to as the **Said Property**, in the year 19G0 in Katchi Abadi as at that time, the said property was not registered or leased out in the name of any of the above owners.
3. That the deceased parents after raising construction over the said property started living jointly in the said property. It is further submitted that requisites meters of gas and electric were installed over the said property which are still in the name of Mst Sakina. It is further submitted that as per record of rights / PT-1 issued by the Excise and Taxation Control Officers Division , Karachi, the said property is still in the name of SYM.

(Copies of bills and PT-I are filed herewith and marked as annexure P/1 to P/)

4. That parents of the plaintiff and defendant i.e. Mst SYM(mother/grandmother) died on 0C-0E-AIGD and YMB (father/grandfather) died on 0A-0A-200C and both were Sunni Muslim and leaving behind them the following persons as their sole surviving legal heirs: -

a. Mst MBB	Daughter	
b. NAB / Plaintiff 9		Son
c. MA	Son	
d. AS / Plaintiff 1 Bloch		Son
e. AJB / Plaintiff	Son	
f. Mst SB / Plaintiff 8		Daughter

(Copies of Death Certificates of Mst SYM and Mr YMB are attached herewith and marked as annexure P/ to P/)

5. That it is humbly submitted that one of the legal heirs namely MA mentioned at serial No. 'c' above, the father of the defendants No.3,4 and 5 was a Sunni Muslim, who died on 0E-0C-20AB and leaving behind him the following persons as his sole surviving legal heirs: -

a. Mst RB / Plaintiff 3	Widow
b. M / Plaintiff 7 AB	Son
c. M / Plaintiff 5 AB	Son
d. Mst MB / Plaintiff 4	Daughter
e. AA / Plaintiff 6	Son

(Copy of death certificate of Mr MA is attached herewith and marked as annexure P/)

6. That it is humbly submitted that after the death of the above said parents of the plaintiff and defendants , all the legal heirs become the co-owners / co-shares of the above said property as per Sharia / law of Inheritance.

7. That the plaintiff and his family resided with their deceased father till 200C at the above said property thereafter the plaintiff shifted to USA while his family also shifted to other accommodation.

(Copies of Passports are filed herewith and marked as annexure P/ to P/)

8. That few years ago in the Year 20A1, the plaintiff came to know that after the death of their father, the defendants in connivance with each illegally, unlawfully, fraudulently and mockery and with collusion of officials of Katchi Abadi Departments and registration office / Defendant No.10 partitioned the said property in three portions i.e. Plot No. AEH/A, AEH/B and AEH/C and succeeded to get transferred the one of the portion of the said property i.e. Plot No. AEH/B in the name of Mst Mukhtair Begum (defendant No.2) , through Lease Deed bearing Registration No.Karachi, dated AF-0G-200E, MF Roll No., dated BI-0H-200E, before Sub Registrar, Karachi.

(Copies of Lease Deed and other documents are filed herewith and marked as annexure P/ to P/)

9. That it is humbly submitted that second portion of property i.e. Plot No. AEH/A was illegally and unlawfully transferred in name of the deceased MA son of YM (husband / father of defendant No. 3 to 7)

, through Lease Deed bearing Registration No. Karachi, dated AF-0G-200E, MF Roll No. 3733, dated BI-0H-200E, before Sub Registrar, Karachi.

(Copies of Lease Deed and other documents are filed herewith and marked as annexure P/ to P/)

10. That it is humbly submitted that third portion of property i.e. Plot No. AEH/C was illegally and unlawfully transferred in name of AS / Plaintiff 1 son of YM (defendant No. 1) , through Lease Deed bearing Registration No. _____, Book No.I, before Sub Registrar, K.M.C & Katchi-Abadies, Karachi, dated AF-0G-200E, MF Roll No., dated BI-0H-200E, before Sub Registrar, Karachi.

(Copies of Lease Deed and other documents are filed herewith and marked as annexure P/ to P/)

11. That the plaintiff after knowing the above said facts, the plaintiff approached the defendants for his respective shares in the said property as he is also one of the legal heirs and is legally entitled to have shares in the said property but they did not give any heed to his request and refused to give him any shares.
12. That it is humbly submitted that the plaintiff after knowing the above said illegal and unlawful acts of the defendant he sent a legal notice to the defendant No. (No. 1 ,2. 5, 6 & 7) on their given address dated 16 10 2018 and after receiving the same notice , the said defendants came into the contact of the plaintiff and agreed for sorting out the issue mutually out of the court and the said defendant requested for some time, being a brother and uncle of the said defendants the plaintiff accepted their request and waited for their next response but they again remained silent. It is further submitted that the plaintiff approached many times to the said

defendant and requested for sorting out the problem / issue amicably, but they played with delaying tactics and put the plaintiff on false hopes by making false excuses and failed to accede the request of the plaintiff.

13. That it is humbly submitted that the plaintiff again sent legal notice dated through his counsel to the defendants No. 1, 2, 5, 6 & 7) and demanded for mutation and his legal heirs in the said property but they have failed and neglected to give their reply in response to the said legal notice which shows their connivance and malafide intention. It is further submitted that the plaintiff has also gave public notices in daily newspapers i.e. The Nation and Nai Baat dated , refraining thereby general public / any person from entering into agreement with respect to the said property.

(Copies of legal notice dated and copies of newspapers are filed herewith and marked as annexure P/ to P/)

14. That the defendants above named since the death of parents have illegally and unlawfully occupied the above said property, knowingly very well that they have no right or title over the said property.

15. That the defendants have been repeatedly apprised by the plaintiffs for partitions of the above said property and distributing the same left by the deceased parents amongst all the legal heirs according to their respective Shares prescribed by Shariah, and to hand over the share of JM which was purchased by their deceased parents, but they always avoided to do so on one pretext or other.

16. That it is humbly submitted that now they have started campaign of harassment, threatening of dire consequences against the plaintiff and pressurizing the plaintiff through illegal and unlawful means / gunda elements with sole motive to usurp the above said property through unlawful means.

17. That the cause of action for filing suit for administration arose to the plaintiff when the parents of the plaintiff and defendants purchased the said property in the year 19G0 , secondly when parents of the parties i.e. Mst SYM(mother/grandmother) died on 0C-0E-AIGD and YMB (father/grandfather) died on 0A-0A-200C, thirdly in the year 200E, when the said property was illegally and unlawfully partitioned and transferred in favour of the defendant No.1,2 and father / husband of defendant No.3 to 7) and thereafter on every dates when the plaintiff approached the defendants for handing over the possession / partition / distribution of the above property and lastly on BE-0B-20BB when the plaintiff approached the defendants through legal notice to distribute the above said property left by the deceased parents and to hand over shares of deceased parents to the plaintiff, but they neglected and refused to divide the said property and the same cause of action is still continuing within the limits of PS _____, Karachi and hence within territorial jurisdiction of this Honorable Court.

18. That for the purpose of jurisdiction the suit is valued Rs.1,00,00,000/- hence maximum court fee of Rs.15,000/- has been affixed on the face of the plaint.

PRAYER

It is, therefore, respectfully prayed on behalf of the plaintiffs above named that this Hon'ble Court may graciously be please to pass the following orders: -

- A. To order the Partition of separate shares of each of the legal heirs of deceased parents Mst SYMand YMB if such separate partition by metes and bounds is not possible or expedient then to order that the property i.e. **House No. AEG Karachi**, be sold and the proceed thereof be distributed amongst the legal heirs in accordance with prescribed shares under the Sunni Muhammadan Law.
- B. To cancel the forged and fabricated three Lease Deeds i.e. bearing Registration No. 0000,1111, and _____, Book No.I, before Sub Registrar, K.M.C & Katchi-Abadies, Karachi, dated AF-0G-200E, MF Roll No., dated BI-0H-200E, before Sub Registrar, Karachi, registered in favour of defendant No.1 ,2 and deceased MA which they prepared fraudulently and illegally and are voidable Lease Deeds .
- C. To grant permanent / perpetual injunction thereby restraining the Defendant No.1 to 9, their servants, subordinates, agents and/or anybody else acting through them or on their behalf from mortgaging, alienating, gifting, further transferring/selling the property i.e. **House No. AEG Karachi**, or to create third party interest in respect of the said property, in any manner of whatsoever nature, except due course of law.

- D. To appoint Nazir of this Hon'ble Court for partition & distribution of the above said property i.e. **House No. AEG Karachi**, amongst legal heirs of deceased parents as mentioned in para No. 4 and 5, in accordance with the Muhammadan Law of inheritance and for handing over respective share of the plaintiff in the suit property.
- E. To direct the defendant No. 1, to 7 to pay Mesne Profit in the respect of suit property to the plaintiff since their occupation / possession till realization of the suit.
- F. For all such further and / or other relief as the nature and circumstances of the case may reasonably legally or justly require be granted.
- G. Cost of the suit.

Karachi:

Dated: Plaintiff

Advocate for the Plaintiff

VERIFICATION

I, Mst HB wife of AJB / Plaintiff, Muslim, Adult, Resident of Karachi, the attorney of plaintiff in the above matter and am well conversant with the facts of the case and on this ____ day of February, 2023, at Karachi do hereby on Oath and verify the contents of the above paras, say the same are true to the best of our knowledge and belief.

(Copy of power of attorney is filed herewith and marked as annexure P/)

Karachi:

Dated: Deponent

DOCUMENTS FILED: As per Annexures P/1 to P/

DOCUMENTS RELIED UPON: Original of the above and many other relevant documents

ADDRESS OF THE PARTIES: As in the title.
ADDRESS FOR SERVICE OF

PLAINTIFFS' COUNSEL: As in Vakalatnama.

IN THE COURT OF CIVIL JUDGE SOUTH AT KARACH

Civil Suit No. /2023

Mr. AJB / Plaintiff

Plaintiff

VERSUS

Mr. AS / Plaintiff 1 & Others

Defendants

LIST OF LEGAL HEIRS OF PLAINTIFF

In case the death of the plaintiff, the one of the above mentioned legal heirs of the plaintiff shall intimate / inform this Hon'ble Court.

Karachi:

Dated:

Advocate for Plaintiff.

IN THE COURT OF CIVIL JUDGE SOUTH AT KARACHI

Civil Suit No. /2023

Mr. AJB / Plaintiff Plaintiff

VERSUS

Mr. AS / Plaintiff 1 & Others Defendants

ADDRESS FOR SERVICE OF THE PLAINTIFF.

Mst HB wife of AJB / Plaintiff
Karachi

Karachi:

Dated: **Advocate for the Plaintiff**

IN THE COURT OF CIVIL JUDGE SOUTH AT KARACHI

Civil Suit No. /2023

Mr. AJB / Plaintiff

VERSUS

Mr. AS / Plaintiff 1 & Others Defendants

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11.	Application Under order XXXIX RULE 1 & 2 CPC read with section 151 CPC along with affidavit.		
12.	Vakalatnama		

Karachi:

Dated: Advocate for the Plaintiff

IN THE COURT OF CIVIL JUDGE SOUTH AT KARACHI

Civil Suit No. /2023

Mr. AJB / Plaintiff

Plaintiff

VERSUS

Mr. AS / Plaintiff 1 & Others

Defendants

APPLICATION UNDER ORDER XXXIX RULE 1 & 2 CPC
READ WITH SECTION 151 CPC

It is prayed on behalf of the Plaintiff above named that this Honorable Court may graciously be pleased to restrain the Defendants, their servants, subordinates, agents and/or anybody else acting through them or on their behalf from mortgaging, alienating, gifting, further transferring/selling or to create third party interest in respect of the property i.e. House No. AEG Karachi, in any manner of whatsoever nature, except due course of law in any manner or capacity whatsoever till the final decision of the Hon'ble Court in this regard.

Ad-interim injunction is also solicited.

This application is prayed in the interest of justice.

Karachi

Dated

Advocate for the Plaintiff

IN THE COURT OF CIVIL JUDGE SOUTH AT KARACHI

Civil Suit No. /2023

Mr. AJB / Plaintiff

Plaintiff

VERSUS

Mr. AS / Plaintiff 1 & Others

Defendants

**AFFIDAVIT IN SUPPORT OF APPLICATION UNDER ORDER
XXXIX RULE 1 & 2 CPC READ WITH SECTION 151 CPC**

I, Mst HB wife of AJB / Plaintiff, Muslim, Adult, Resident of Karachi, do hereby state on oath as under: -

1. That I am the attorney of plaintiff in the above referred case and as such, am fully conversant with the facts of this case.
2. That I state that the accompanying application under Order XXXIX, Rules 1 & 2 C.P.C read with section 151 CPC has been drafted and filed under my specific instructions and for the sake of brevity, it is requested that the contents of the same may be treated as part and parcel of this affidavit.
3. That I say that the property mentioned in the accompanying application are jointly owned by deceased grandfather of all the legal heirs and father of the plaintiffs and they are entitled to have their respective shares in accordance with Muhammandan Law of Inheritance.

4. That unless the accompanying application for interim injunction is allowed as prayed I shall be seriously prejudiced and shall suffer irreparable loss.
5. That whatever is stated above; is true and correct to the best of my knowledge, belief and information.

Karachi.

Dated

Deponent

IN THE COURT OF CIVIL JUDGE SOUTH AT KARACHI

Civil Suit No. /2023

Mr. AJB / Plaintiff

Plaintiff

VERSUS

Mr. AS / Plaintiff 1 & Others

Defendants

**SUIT FOR DECLARATION, POSSESSION,
ADMINISTRATION, PARTITION, MESNE PROFIT AND
PERMANENT / MENDATORY INJUNCTION**

Karachi

Dated: /02/2023

Advocate for the Plaintiff

IN THE HIGH COURT OF SINDH AT KARACHI
(ORIGINAL CIVIL JURISDICTION)

Civil Suit No. of 2023

ANA / Plaintiff S/o AA
Karachi
Plaintiff

VERSUS

1. RA S/o MA ,
Karachi
2. SA / Defendant 2 S/O AA
since deceased through his Legal Heirs: -

- | | | |
|----|-----|------------|
| a. | SAS | (Son) |
| b. | FA | (Son) |
| c. | G | (Son) |
| d. | N | (Son) |
| e. | F | (Daughter) |
| f. | Z | (Daughter) |
| g. | MUN | (Daughter) |
| h. | NZ | (Daughter) |
| i. | S | (Daughter) |
| j. | NE | (Daughter) |
| k. | B | (Daughter) |

All Muslims, Adults, Residents of
Karachi.

3. MNA S/o AA,
Muslim, Adult, Resident of Karachi.

4. KB W/O MU (Late)
D/o AA
Since deceased, through her legal heirs:-

- | | | |
|----|-----|------------|
| a. | MM | (Son) |
| b. | AM | (Son) |
| c. | ANM | (Son) |
| d. | R | (Daughter) |
| e. | AS | (Daughter) |

All Muslims, Adults, Residents of Karachi.

5. SAL S/o AA
Muslim, Adult, Resident of , Karachi.

6. KA / Defendant 6 S/o AA
Muslim, Adult, Resident of

Karachi.

7. RB /Defendant 7 D/o AA
Muslim, Adult, Resident of,
Karachi.

8. AB /Defendant 8 D/o AA
Muslim, Adult, Resident of Karachi.
Defendants

**SUIT FOR DECLARATION, CANCELLATION, POSSESSION,
PARTITION, MENSE PROFIT & PERMANENT INJUNCTION**

The Plaintiff above named respectfully submits his case as
under: -

1. That the Plaintiff is an edified, religious, law abiding and peace-loving citizen of Islamic Republic of Pakistan and having good reputation in the locality.

2. That the plaintiff and the defendants No.1 to 8 are the real brothers and sister in relations. It is further pertinent to mention here that one brother Mr SA / Defendant 2 was expired on CA-0H-200H and one sister Mst KB was expired on 28.07.1978, hence their legal are hereby made the parties hereinabove.

(Photocopies of the CNICs of the parties and Death Certificates deceased defendants No.1 to 8 are annexed herewith and marked as annexure "P/1 to P/ ")

3. That the father of the plaintiff and defendants i.e. Haji AA S/o Muhammad Ali was expired on 14.02.2017 and mother of the plaintiff and defendants Mst Shamim Bano Wd/o Haji AA (Late) was expired on 12.06.2020.

(Photocopies of the Death Certificates of the parents are annexed herewith and marked as annexure "P/ to P/)

4. That parents of the parties have left behind the following properties as mentioned below and as per Schedule of properties, description of the same are as follows: -

1. House No.1/1331, Shah Faisal Colony, Reta Plot No.1, Karachi.
2. House No.1/1333, No.1 Shah Faisal Colony, Reta Plot No.1, Karachi.
3. House No. 1/1346, Shah Faisal Colony, Reta Plot No.1, Karachi.
4. House No. A/113/1, Al-Falah Society, Drigh Road, Karachi.
5. House No. D-2, Taj Centre, Shah Faisal Colony, Karachi.
6. House No.1/1348-C, No.1 Shah Faisal Colony, Reta Plot, Karachi.
7. House No.1/102, No.1 Shah Faisal Colony, Karachi.
8. House No. B-06, Saima Luxury Home, Bagh-e-Korangi, Karachi.
9. House No.1/1347, Shah Faisal Colony, Reta Plot No.1, Karachi.
10. Shops No. 14, 15, 25, 26, Shama Shopping Centre, Shah Faisal Colony, Karachi.
11. Godown No. 14 & 15, Shama Shopping Centre, Shah Faisal Colony, Karachi.
12. Shop No D-2, Saddar, Muhammad Ali Centre, Karachi.

(Hereinafter referred to as the Suit Properties)

(Photocopies of Relevant Documents in respect of the Suit Properties are need herewith and marked as annexure P/ to P/)

5. That as per title documents of the suit property clearly shows, as ownership, entitlement of the plaintiff, as the defendants No.1 to 8 have, though the plaintiff is the equivalent shareholder in respect of the suit property, which fact duly known by the defendants No.1 to 8, despite which the defendants No.1 to 8 above named are fully trying to deprive the plaintiff from his part of share in respect of the suit property, inasmuch as the defendants No. 1 to 8 also enjoying the rents from the suit properties left by the deceased parents of the plaintiff, hence the plaintiff having full rights, titles and interests upon the suit properties, which the plaintiff is claiming but the defendants No.1 to 8 are not inclined to give the plaintiff his part of share.

6. That it is humbly submitted that the plaintiff filed a Civil Suit No. 52/2022, against the defendants for administration, partition of shares mesne profit & permanent injunction wherein the defendant No (s). 1, 5 & 8 and disclosed that all the properties except property at serial No.3 i.e. House No. 1/1347, Shah Faisal Colony, Karachi have been illegally and unlawfully orally gifted / transferred in their respective names as per detail appended below: -

a. The House No. 1/1331, Shah Faisal Colony, Reta Plot No.1, Karachi is allotted to Mr. AA S/o. Muhammad Ali vide Indenture of Lease Deed dated 25-06-1978 by the District Registrar of Karachi vide Registration No. 597 dated 28th Jan, 1978 which was illegally and unlawfully gifted to Mr. SA / Defendant 2 who died on 31-08-2008.

(Copy of Allotment Order and Indenture of Lease dated 25.06.1978 is attached herewith and marked as Annexure P/)

b. That the House bearing No. 1/1346, Shah Faisal Colony, Reta Plot No.1, Karachi was obtained by Mst. Shamim Bano W/o AA vide Conveyance Deed dated 10-12-1977 by the Sub-Registrar T. Division-III Karachi which was duly registered vide Serial No. 6087 dated 10-12-1977 which was subsequently being orally gifted to Defendant No. 1.

(Copy of Conveyance Deed dated 10.12.1977 is attached herewith and marked as Annexure P/)

c. That the House No. A-113/1, Al-Falah Society, Drigh Road, Karachi was jointly purchased by Defendant No. 5 and Mst. Shamim Bano from Mr. Muhammad Farooq vide Sale Deed dated 12-02-2005 which was duly registered by the Sub-Registrar T. Division-III, Karachi vide Registration No. 175 dated 12-02-2005 and M.F Roll No. 15013 dated 02-03-2005.

(Copy of Sale Deed dated 12.02.2005, is attached herewith and marked as Annexure P/)

d. That the House No. D-2, Taj Center, Shah Faisal Colony, Karachi was purchased by Defendant No. 6, Mr. KA / Defendant 6 from Mst. Hussun Ara Khatoon through General Power of Sub-Attorney dated 05-03-1994 which was duly registered by the Sub-Registrar T. Division-VII, Karachi vide registration No. 1021 dated 05-03-1994 and M.F Roll No. 375D-4 dated 24-04-1994.

(Copy of Power of Attorney of House No. D-2, Taj Centre, Karachi dated 05.03.1994 is attached and marked as annexure P/)

e. That the Shop No. 14, Shama Shopping Center, Shah Faisal Colony, Karachi was orally gifted by Mst. Shamim Bano, Mother of Plaintiff and Defendants to Defendant No. 5 vide Declaration and Confirmation of Oral Gift under Muhammadan Law on 11-07-2007 which was duly being registered by the Sub-Registrar Shah Faisal Town, Karachi registration No. 1733 dated 11-07-2007 and M.F Rolls No. 59387/4451 dated 25-07-2007.

(Copy of Indenture of Oral Gift of shop No. 14 dated 11.07.2007 is attached herewith and marked as Annexure P/)

f. That the Shop No. 15, Shama Shopping Center, Shah Faisal Colony, Karachi was illegally transferred / leased out in the name of Defendant No. 6 vide Indenture of Sub Leases dated 10-01-1995 which was duly being registered by the Sub-Registrar T. Division-III. Karachi vide registration No. 130 dated 10-01-1995 and M.F Roll No. 2027 dated 21-01-1995.

(Copy of Indenture of Sub-Lease of Shop No. 15 dated 10.01.1995 is attached herewith and marked as Annexure P/)

g. That the Shop No. 25, Shama Shopping Center, Shah Faisal Colony, Karachi was illegally and unlawfully orally Gifted by Mst. Shamim Bano W/o. AA to Defendant No. 6 Mr. KA / Defendant 6 vide Deceleration and Confirmation of Oral Gift of an Immovable Property dated 02-12-1999 which was duly being registered by the Sub- Registrar T-Division-III,

Karachi vide registration No. 1271 dated 02-12-1999 and M.F Roll No. 2729 dated 11- 03-2000.

(Copy of Deed of Declaration of Gift of shop No. 25 dated 02.12.1999 is attached herewith and marked as Annexure P/)

h. That the Shop No. 26, Shama Shopping Center, Shah Faisal Colony, Karachi was illegally and unlawfully leased out in the name of defendant No.5 vide Indenture of Sub Leases dated 10- 01-1995 which was duly being registered by the Sub-Registrar T Division-III, Karachi vide registration No. 128 dated 10-01-1995 & M.F Roll No. 2027 dated 21-01-1995.

(Copy of Indenture of Sub-Lease of Shop No. 26 dated 10.01.1995 is attached herewith and marked as Annexure P/)

i. It is submitted that the Father of the Plaintiff & Defendants, Mr. AA has given General Power of Attorney dated 07-07-2015 to Defendant No.1, Mr. RA against the Shop bearing No. 8. Mezzanine Floor. Muhammad Ali Center, Bohri Bazar, Saddar, Karachi which was subsequently being sold to Mr. Muhammad Abid vide Sale Agreement dated 01-12-2021.

(Copies of General Power of Attorney of Shop No. 8 dated 07-07-2015 along with newspaper cutting and Sale Agreement dated 01.12.2021 are attached herewith and marked as Annexures P/ to P/ respectively)

j. That the Godown No. 14, Shama Shopping Center, Shah Faisal Colony, Karachi was illegally and unlawfully orally gifted by the Mst. Shamim Bano, Mother of Plaintiff & Defendants to Defendant No. 5 namely Mr. Muhammad Sharif Ahmed, vide Declaration & Confirmation of Oral Gift under Muhammadan

Law dated 11-07-2007 which was duly being registered by the Sub-Registrar Shah Faisal Town, Karachi vide registration No. 1734 dated 11-07-2007 and M.F Roll No. 59388 dated 25-07-2007.

(Copy of Indenture of Oral Gift of Godown No. 14 dated 11.07.2007 is attached herewith and marked as Annexure P/)

k. That the Godown No. 13, Shama Shopping Center, Shah Faisal Colony, Karachi was Orally Gifted by the Mat Shamim Bano, Mother of Plaintiff & Defendants to Defendant No. 6 namely Mr. KA / Defendant 6 vide Declaration & Confirmation of Oral Gift of an Immovable Property dated 22-12-1999 which was duly being registered by the Sub-Registrar T. Division, Karachi vide registration No. 1272 dated 02-12-1999 and M.F Roll No. 2729 dated 11-03-2000.

(Copy of Deed of Declaration of Gift of Godown No. 15 dated 02.12.1999 is attached herewith and marked as Annexure P/)

7. That the defendants above have illegally got transferred the above said properties left by the deceased father and mother of the plaintiffs and defendants through illegal and unlawful means in their names in connivance with each other and have deprived the plaintiff from his respective shares, whereas as per law, the plaintiff and defendants are equal shareholders of all the above said properties.

8. That the defendants No.1 to 8, deliberately and intentionally usurped the entire properties as mentioned above and whenever the plaintiff asked for his part of shares, the defendants No.1 to 8 inspite of consider the ethics uses filthy language with the plaintiff.

9. That due to said illegal act, conduction, and omissions of the defendants No.1 to 8, the plaintiff and his family members sustaining mental torture and agony, but the defendants No.1 to 8 are not inclined to handover the plaintiff's part of share in respect of suit property, due to which the plaintiff having no more remedy but to approach before this Hon'ble Court.

10. That on 18.12.2021, the plaintiff via his counsel duly dispatched a legal notice to the defendants No. 1 to 8, but the same was yet not answered, hence the plaintiff having no remedy but to approach this Hon'ble Court, hence this suit.

(Photocopy of Legal Notice dated: 18.12.2021 along with Courier Receipts are annexed herewith and marked as annexure P/ to P/)

11. That the cause of action has accrued to the plaintiff to file the present suit against the defendants No.1 to 8 on and when the plaintiff asked for his part of shares, in respect of the suit properties left by the deceased parents of the plaintiff, but the defendants No.1 to 8 intentionally and deliberately depriving the plaintiff from his legal and lawful shares in respect of the suit properties left by the deceased parents and on when the plaintiff asked for his part of legal shares the defendants No.1 to 8 used filthy language and abused him and his family and legal notice dated: 17.12.2021, issued to defendants Nos. 1 to 8, through courier services, but no reply has been received till today and lastly when the plaintiff filed Suit No. 52/2022 before this Honorable Court, wherein it disclosed that the defendants have illegally and unlawfully transferred most of the properties left by the

deceased parents in their respective names and deprived the plaintiff from his respective share the same is still continuous day by day...

12. That it is further submitted that the cause of action is accrued within the territory of P.S SHAH FAISAL, Karachi, which comes within the jurisdiction of this Hon'ble Court.

13. That the requisite court fee has been affixed and the suit is valued at Rs. 40,00,00,000/-.

14. That the plaintiff, therefore, respectfully prefers the instant suit with the following prayer.

PRAYER

It is therefore, respectfully prayed on behalf of the plaintiff abovenamed that this Honorable court may be pleased to pass Judgment and Decree in favor of the plaintiff and against the defendants as under: -

(a) To declare that the parents of the plaintiffs and defendants are lawful owners of the following properties: -

1. House No.1/1331, Shah Faisal Colony, Reta Plot No.1, Karachi.
2. House No.1/1333, No.1 Shah Faisal Colony, Reta Plot No.1, Karachi.
3. House No. 1/1346, Shah Faisal Colony, Reta Plot No.1, Karachi.
4. House No. A/113/1, Al-Falah Society, Drigh Road, Karachi.
5. House No. D-2, Taj Centre, Shah Faisal Colony, Karachi.

6. House No.1/1348-C, No.1 Shah Faisal Colony, Reta Plot, Karachi.
7. House No.1/102, No.1 Shah Faisal Colony, Karachi.
8. House No.B-06, Saima Luxury Home, Bagh-e-Korangi, Karachi.
9. House No.1/1347, Shah Faisal Colony, Reta Plot No.1, Karachi.
10. Shops No. 14, 15, 25, 26, Shama Shopping Centre, Shah Faisal Colony, Karachi.
11. Godown No. 14 & 15, Shama Shopping Centre, Shah Faisal Colony, Karachi.
12. Shop No D-2, Saddar, Muhammad Ali Centre, Karachi.

(b) To cancel all gift deeds, sale deeds, conveyance deeds, lease deeds and / or any other transfer deed in respect of the above said properties executed in favour of the defendants especially with respect to the properties as per detail given below: -

- a. House No. 1/1331, Shah Faisal Colony, Reta Plot No.1, Karachi is allotted to Mr. AA S/o. Muhammad Ali vide Indenture of Lease Deed dated 25-06-1978 by the District Registrar of Karachi vide Registration No. 597 dated 28th Jan, 1978.
- b. House bearing No. 1/1346, Shah Faisal Colony, Reta Plot No.1, Karachi was obtained by Mst. Shamim Bano W/o AA vide Conveyance Deed dated 10-12-1977 by the Sub-Registrar T. Division-III Karachi which was duly registered vide Serial No. 6087 dated 10-12-1977 which was subsequently being orally gifted to Defendant No. 1.
- c. House No. A-113/1, Al-Falah Society, Drigh Road, Karachi was jointly purchased by Defendant No. 5 and Mst. Shamim Bano from Mr. Muhammad Farooq vide Sale Deed dated 12-02-2005 which was duly registered by the Sub-Registrar T. Division-III, Karachi vide Registration No. 175 dated 12-02-2005 and M.F Roll No. 15013 dated 02-03-2005.
- d. House No. D-2, Taj Center, Shah Faisal Colony, Karachi was purchased by Defendant No. 6, Mr. KA / Defendant 6 from Mst. Hussun Ara Khatoon through General Power of Sub-Attorney dated 05-03-1994 which was duly registered by the Sub-Registrar T. Division-VII, Karachi vide registration No.

1021 dated 05-03-1994 and M.F Roll No. 375D-4 dated 24-04-1994.

e. Shop No. 14, Shama Shopping Center, Shah Faisal Colony, Karachi was orally gifted by Mst. Shamim Bano, Mother of Plaintiff and Defendants to Defendant No. 5 vide Declaration and Confirmation of Oral Gift under Muhammadan Law on 11-07-2007 which was duly being registered by the Sub-Registrar Shah Faisal Town, Karachi registration No. 1733 dated 11-07-2007 and M.F Rolls No. 59387/4451 dated 25-07-2007.

f. Shop No. 15, Shama Shopping Center, Shah Faisal Colony, Karachi was illegally transferred / leased out in the name of Defendant No. 6 vide Indenture of Sub Leases dated 10-01-1995 which was duly being registered by the Sub-Registrar T. Division-III. Karachi vide registration No. 130 dated 10-01-1995 and M.F Roll No. 2027 dated 21-01-1995.

g. Shop No. 25, Shama Shopping Center, Shah Faisal Colony, Karachi was illegally and unlawfully orally Gifted by Mst. Shamim Bano W/o. AA to Defendant No. 6 Mr. KA / Defendant 6 vide Declaration and Confirmation of Oral Gift of an Immovable Property dated 02-12-1999 which was duly being registered by the Sub- Registrar T-Division-III, Karachi vide registration No. 1271 dated 02-12-1999 and M.F Roll No. 2729 dated 11- 03-2000.

h. Shop No. 26, Shama Shopping Center, Shah Faisal Colony, Karachi was illegally and unlawfully leased out in the name of defendant No.5 vide Indenture of Sub Leases dated 10- 01-1995 which was duly being registered by the Sub-Registrar T Division-III, Karachi vide registration No. 128 dated 10-01-1995 & M.F Roll No. 2027 dated 21-01-1995.

i. Shop bearing No. 8. Mezzanine Floor. Muhammad Ali Center, Bohri Bazar, Saddar, Karachi which was subsequently being sold to Mr. Muhammad Abid vide Sale Agreement dated 01-12-2021.

j. Godown No. 14, Shama Shopping Center, Shah Faisal Colony, Karachi was illegally and unlawfully orally gifted by the Mst. Shamim Bano, Mother of Plaintiff & Defendants to Defendant No. 5 namely Mr. Muhammad Sharif Ahmed, vide Declaration & Confirmation of Oral Gift under Muhammadan Law dated 11-07-2007 which was duly being registered by the Sub-Registrar Shah Faisal Town, Karachi vide registration No. 1734 dated 11-07-2007 and M.F Roll No. 59388 dated 25-07-2007.

k. Godown No. 13, Shama Shopping Center, Shah Faisal Colony, Karachi was Orally Gifted by the Mat Shamim Bano, Mother of Plaintiff & Defendants to Defendant No. 6 namely Mr. KA / Defendant 6 vide Declaration & Confirmation of Oral Gift

of an Immovable Property dated 22-12-1999 which was duly being registered by the Sub-Registrar T. Division, Karachi vide registration No. 1272 dated 02-12-1999 and M.F Roll No. 2729 dated 11-03-2000.

(c) To declare all gift deeds, sale deeds, conveyance deeds, lease deeds and / or any other transfer deed in respect of above said properties executed in favour of the defendants especially with respect to the properties as per detail given in para 6 above are illegal, unlawful, void *ab initio* and of no legal effects in the eye of law.

(d) To administer and partition the share of properties in respect of suit properties, physical into record of rights amongst the plaintiff and the defendants No.1 to 8 to the plaintiff or if such partition is not possible then order to sell the properties as mentioned in Schedule of Properties.

(e). To direct the defendants No. 1 to 8 to give/ handover the shares of the plaintiff according to law in respect of the suit properties as mentioned in Schedule of Properties, as per the market value of the suit property or to direct the Nazir of this Hon'ble Court to Sale Out the said suit property and distribute the same in and between the plaintiff and defendants No.1 to 8 accordingly.

(f) Pass a preliminary decree administrating the Estates of deceased parents which includes immoveable properties and for such purpose to appoint the Commissioner / Nazir vested with powers to take such accounts and make such inquiry as may be necessary for expedient and vest him with such further powers as may be necessary

to marshal the assets of the parents of the plaintiff and defendants for administration and distributions amongst the persons entitled thereto.

(g). To direct the defendants No. 1 to 8 to pay the masne profit, as since expiry of the parents, the defendants No.1 to 8 obtaining the rent from the suit properties by depriving the plaintiff of its part.

(h). Permanently restrain the defendants No.1 to 8, their employees, subordinates, agents and/ or any other person(s) acting on their behest to not to create any third-party interest upon the suit properties as mentioned in Schedule of Properties, till the final decision of this Hon'ble Court, in any manner whatsoever, without due course of law.

(i). Cost of the suit.

(j). Grant any other relief/ reliefs which this Hon'ble Court deems fit and proper in the circumstances of the case.

Plaintiff

Karachi
Dated

Advocate for Plaintiff

VERIFICATION

I, ANA / Plaintiff S/o AA, Muslim, Adult, Resident of House No.1/1347, Reta Plot No.1 Shah Faisal Colony, Karachi, do hereby verify on oath at Karachi on this day of November 2023, that whatever is stated hereinabove is true and correct to the best of my personal knowledge.

DEPONENT

DOCUMENTS FILED.	Annexure P/1 to P/
DOCUMENTS RELIED UPON.	Any relevant documents
ADDRESS OF THE PLAINTIFF	As mentioned above.
ADDRESS OF THE COUNSEL	As mentioned in Vakalatnama.

Drafted under the instructions of the plaintiff.

ADVOCATE FOR PLAINTIFF

IN THE HIGH COURT OF SINDH AT KARACHI
(ORIGINAL CIVIL JURISDICTION)

CIVIL SUIT NO. OF 2023

ANA / Plaintiff

Plaintiff

VERSUS

RA & Others

Defendants

LIST OF LEGAL HEIRS OF PLAINTIFF

- 1.
- 2.
- 3.

In case the death of the plaintiff, the one of the above mentioned legal heirs of the plaintiff shall intimate / inform this Hon'ble Court.

Karachi:

Dated: -12-2023

Advocate for the Plaintiff.

IN THE HIGH COURT OF SINDH AT KARACHI
(ORIGINAL CIVIL JURISDICTION)

CIVIL SUIT NO. OF 2023

ANA / Plaintiff

Plaintiff

VERSUS

RA & Others

Defendants

ADDRESS FOR SERVICE OF THE PLAINTIFF.

ANA / Plaintiff S/o AA
Muslim, Adult, Resident of
House No.1/1347, Reta Plot No.1
Shah Faisal Colony,
Karachi

Karachi:

Dated: -12-2023

Advocate for the Plaintiff

IN THE HIGH COURT OF SINDH AT KARACHI
(ORIGINAL CIVIL JURISDICTION)

CIVIL SUIT NO. OF 2023

ANA / Plaintiff

Plaintiff

VERSUS

RA & Others

Defendants

APPLICATION FOR EXEMPTION

For the reasons disclosed in the accompanying affidavit, it is respectfully prayed on behalf of the above-named plaintiff that this Hon'ble Court may be pleased to allow them to produce Photocopies of the annexures.

This prayer is made in the larger interest of justice.

Karachi:

Dated: -12-2023

Advocate for the Plaintiff.

IN THE HIGH COURT OF SINDH AT KARACHI
(ORIGINAL CIVIL JURISDICTION)

CIVIL SUIT NO. OF 2023

ANA / Plaintiff

Plaintiff

VERSUS

RA & Others

Defendants

AFFIDAVIT

I, ANA / Plaintiff S/o AA, Muslim, Adult, Resident of House No.1/1347, Reta Plot No.1 Shah Faisal Colony, Karachi, do hereby state on oath as under: -

1. That I am the plaintiff in the above suit as such am fully conversant with the facts.
2. That the accompanying application for exemption has been drafted and filed under my instructions and the contents whereof may be treated part and parcel of this affidavit for the sake of brevity.
3. That unless the accompanying application is allowed, I shall seriously be prejudiced and suffer irreparable losses.
4. That whatever has been stated above is true and correct.

Karachi

Dated: -12-2023

DEPONENT

IN THE HIGH COURT OF SINDH AT KARACHI
(ORIGINAL CIVIL JURISDICTION)

CIVIL SUIT NO. OF 2023

ANA / Plaintiff

Plaintiff

VERSUS

RA & Others

Defendants

APPLICATION UNDER RULE 110
OF SINDH CHIEF COURT RULES

It is respectfully submitted on behalf of the plaintiff above named that this Hon'ble Court may be pleased to take up the above matter as an urgent motion and place the same in the Court or in the chamber on or before _____ in view of the urgency of the matter.

The prayer is made in the larger interest of justice.

Karachi:

Dated: -12-2023

Advocate for the Plaintiff

IN THE HIGH COURT OF SINDH AT KARACHI
(ORIGINAL CIVIL JURISDICTION)

CIVIL SUIT NO. OF 2023

ANA / Plaintiff

Plaintiff

VERSUS

RA & Others

Defendants

AFFIDAVIT

I, ANA / Plaintiff S/o AA, Muslim, Adult, Resident of House No.1/1347, Reta Plot No.1 Shah Faisal Colony, Karachi do hereby state on oath as under: -

1. That I am the plaintiff in the above suit as well as deponent of this affidavit, as such am fully conversant with the facts.
2. That the accompanying Urgent application has drafted and filed under my specific instructions, the contents whereof are true and correct to the best of my knowledge and may be treated as part and parcel of this affidavit.
3. That I say that unless the accompanying application is granted the plaintiffs shall be seriously suffer irreparable losses.
4. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi

Dated: -12-2023

Deponent

IN THE HIGH COURT OF SINDH AT KARACHI
(ORIGINAL CIVIL JURISDICTION)

Civil Suit No. OF 2023

ANA / Plaintiff

Plaintiff

VERSUS

RA & Others

Defendants

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Sr. No.	Documents	Annexure	Page
1.	Memo of Complaint	-----	
2.	Photocopies of the CNICs of the parties and Death Certificates deceased defendants No.1 to 8		
3.	Photocopies of the Death Certificates of the parents		
4.	Photocopies of Relevant Documents in respect of the Suit Properties		
5.	Copy of Allotment Order and Indenture of Lease dated 25.06.1978		
6.	Copy of Conveyance Deed dated 10.12.1977		
7.	Copy of Sale Deed dated 12.02.2005		
8.	Copy of Power of Attorney of House No. D-2, Taj Centre, Karachi dated 05.03.1994		
9.	Copy of Indenture of Oral Gift of shop No. 14 dated 11.07.2007		
10.	Copy of Indenture of Sub-Lease of Shop No. 15 dated 10.01.1995		
11.	Copy of Deed of Declaration of Gift of shop No. 25 dated 02.12.1999		
12.	Copy of Indenture of Sub-Lease of Shop No. 26 dated 10.01.1995		

Sr. No.	Documents	Annexure	Page
13.	Copies of General Power of Attorney of Shop No. 8 dated 07-07-2015 along with newspaper cutting and Sale Agreement dated 01.12.2021		
14.	Copy of Indenture of Oral Gift of Godown No. 14 dated 11.07.2007		
15.	Copy of Deed of Declaration of Gift of Godown No. 15 dated 02.12.1999		
16.	Photocopy of Legal Notice dated: 18.12.2021 along with Courier Receipts		
17.	Urgent Application Alongwith affidavit		
18.	Exemption Application Alongwith affidavit		
19.	Application Under Order XX RULE 13 CPC read with section 151 CPC A/W affidavit.		
20.	Application Under Order XXXIX RULE 1 & 2 CPC read with section 151 CPC A/W affidavit.		
21.	Vakalatnma		

Karachi:

Dated: -12-2023

Advocate for the Plaintiff

IN THE HIGH COURT OF SINDH AT KARACHI
(ORIGINAL CIVIL JURISDICTION)

CIVIL SUIT NO. OF 2023

ANA / Plaintiff

Plaintiff

VERSUS

RA & Others

Defendants

APPLICATION UNDER ORDER XXXIX RULE 1 & 2 CPC
READ WITH SECTION 151 CPC

It is prayed on behalf of the Plaintiff above named that this Honorable Court may graciously be pleased to restrain the Defendants, their servants, subordinates, agents and/or anybody else acting through them or on their behalf from mortgaging, alienating, gifting, further transferring/selling mentioned in the schedule of the properties, or to create third party interest in respect of the following immoveable properties left by the deceased parents namely Haji AA S/o Muhammad Ali and Mst Shamim Bano Wd/o Haji AA (Late), in any manner of whatsoever nature, except due course of law in any manner or capacity whatsoever till the final decision of the Hon'ble Court in this regard: -

1. House No.1/1331, Shah Faisal Colony, Reta Plot No.1, Karachi.
2. House No.1/1333, No.1 Shah Faisal Colony, Reta Plot No.1, Karachi.
3. House No. 1/1346, Shah Faisal Colony, Reta Plot No.1, Karachi.
4. House No. A/113/1, Al-Falah Society, Drigh Road, Karachi.
5. House No. D-2, Taj Centre, Shah Faisal Colony, Karachi.

6. House No.1/1348-C, No.1 Shah Faisal Colony, Reta Plot, Karachi.
7. House No.1/102, No.1 Shah Faisal Colony, Karachi.
8. House No. B-06, Saima Luxury Home, Bagh-e-Korangi, Karachi.
9. House No.1/1347, Shah Faisal Colony, Reta Plot No.1, Karachi.
10. Shops No. 14, 15, 25, 26, Shama Shopping Centre, Shah Faisal Colony, Karachi.
11. Godown No. 14 & 15, Shama Shopping Centre, Shah Faisal Colony, Karachi.
12. Shop No D-2, Saddar, Muhammad Ali Centre, Karachi.

Ad-interim injunction is also solicited.

This application is prayed for in the interest of justice.

Karachi

Dated -12-2023

Advocate for the Plaintiff

IN THE HIGH COURT OF SINDH AT KARACHI
(ORIGINAL CIVIL JURISDICTION)

CIVIL SUIT NO. OF 2023

ANA / Plaintiff

Plaintiff

VERSUS

RA & Others

Defendants

AFFIDAVIT IN SUPPORT OF APPLICATION UNDER ORDER
XXXIX RULE 1 & 2 CPC READ WITH SECTION 151 CPC

I, ANA / Plaintiff S/o AA, Muslim, Adult, Resident of House No.1/1347, Reta Plot No.1 Shah Faisal Colony, Karachi do hereby state on oath as under: -

1. That I am the Plaintiff in the above referred case and as such, am fully conversant with the facts of this case.
2. That I state that the accompanying application under Order XXXIX, Rules 1 & 2 C.P.C read with section 151 CPC has been drafted and filed under my specific instructions and for the sake of brevity, it is requested that the contents of the same may be treated as part and parcel of this affidavit.
3. That I say that the properties mentioned in the accompanying application are owned by deceased parents of the plaintiff and defendants and all the legal heirs are entitled to have their respective shares in accordance with Muhammadan Law of Inheritance.

4. That unless the accompanying application for interim injunction is allowed as prayed, I shall be seriously prejudiced and shall suffer irreparable loss.
5. That whatever is stated above; is true and correct to the best of my knowledge, belief and information.

Karachi.
Dated

Deponent

IN THE HIGH COURT OF SINDH AT KARACHI
(ORIGINAL CIVIL JURISDICTION)

CIVIL SUIT NO. OF 2023

ANA / Plaintiff

Plaintiff

VERSUS

RA & Others

Defendants

**APPLICATION FOR PRELIMINARY DECREE IN RESPECT OF
PROPERTIES OF THE DECEASED PARENTS UNDER ORDER
XX RULE 13 CPC READ WITH SECTION 151 CPC**

It is submitted that the father of the plaintiff and defendants i.e.,
Haji AA S/o Muhammad Ali was expired on 14.02.2017 and mother of
the plaintiff and defendants Mst Shamim Bano Wd/o Haji AA (Late)
was expired on 12.06.2020 and have left behind the immoveable
properties: -

1. House No.1/1331, Shah Faisal Colony, Reta Plot No.1, Karachi.
2. House No.1/1333, No.1 Shah Faisal Colony, Reta Plot No.1, Karachi.
3. House No. 1/1346, Shah Faisal Colony, Reta Plot No.1, Karachi.
4. House No. A/113/1, Al-Falah Society, Drigh Road, Karachi.
5. House No. D-2, Taj Centre, Shah Faisal Colony, Karachi.
6. House No.1/1348-C, No.1 Shah Faisal Colony, Reta Plot, Karachi.
7. House No.1/102, No.1 Shah Faisal Colony, Karachi.
8. House No. B-06, Saima Luxury Home, Bagh-e-Korangi, Karachi.
9. House No.1/1347, Shah Faisal Colony, Reta Plot No.1, Karachi.

10. Shops No. 14, 15, 25, 26, Shama Shopping Centre, Shah Faisal Colony, Karachi.
11. Godown No. 14 & 15, Shama Shopping Centre, Shah Faisal Colony, Karachi.
12. Shop No D-2, Saddar, Muhammad Ali Centre, Karachi.

In view of above facts, it is very humbly prayed that his Honorable Court may be pleased to pass the preliminary decree in respect of the above said properties left by the deceased and further be pleased to direct the Nazir of this Honorable Court to collect the rents of the shops and houses including profit of any business of the deceased.

This application is prayed for in the interest of justice.

Karachi

Dated -12-2023

Advocate for the Plaintiff

IN THE HIGH COURT OF SINDH AT KARACHI
(ORIGINAL CIVIL JURISDICTION)

CIVIL SUIT NO. OF 2023

ANA / Plaintiff

Plaintiff

VERSUS

RA & Others

Defendants

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR PRELIMINARY
DECREE IN RESPECT OF PROPERTIES OF THE DECEASED
PARENTS UNDER ORDER XX RULE 13 CPC READ WITH
SECTION 151 CPC**

I, ANA / Plaintiff S/o AA, Muslim, Adult, Resident of House No.1/1347, Reta Plot No.1 Shah Faisal Colony, Karachi do hereby state on oath as under: -

1. That I am the Plaintiff in the above referred case and as such, am fully conversant with the facts of this case.
2. That I state that the accompanying application under Order XX, Rules 13 C.P.C read with section 151 CPC has been drafted and filed under my specific instructions and for the sake of brevity, it is requested that the contents of the same may be treated as part and parcel of this affidavit.
3. That I say that the properties mentioned in the accompanying application are owned by deceased **Haji AA S/o Muhammad Ali and Mst Shamim Bano Wd/o Haji AA (Late)** and all the legal heirs are entitled to have their respective shares in accordance with Muhammadan Law of Inheritance.

4. That unless the accompanying application for preliminary decree is allowed as prayed, I shall be seriously prejudiced and shall suffer irreparable loss.

5. That whatever is stated above; is true and correct to the best of my knowledge, belief and information.

Karachi.
Dated

Deponent

IN THE COURT OF SENIOR CIVIL JUDGE CENTRAL AT
KARACHI

Civil Suit No. /2023

1. UF/ Plaintiff 1 S/o FA
resident, Karachi
2. AS/ Plaintiff 2 resident of Karachi
Plaintiffs

VERSUS

FAK / Defendant S/o
MJA,
residing at Flat Karachi, Defendant

**SUIT FOR DECLARATION, SPECIFIC PERFORMANCE
& RECOVERY OF AMOUNT**

The Plaintiffs above named respectfully submit as under: -

1. That the plaintiffs are edified, respectable and law abiding citizen of Islamic Republic of Pakistan and are residing at the above mentioned addresses along with their families and as such they are enjoying reputation among their family friends , colleagues, and general public as well.
2. That the plaintiffs are lawful, joined and exclusive owners of an immoveable property i.e. **Leasehold Residential Plot with construction thereon upto ground plus two floors, bearing House on Plot, Measuring 451 Square Yards, situated at Karachi**, hereinafter referred to as the **Said Property** having acquired the same from HR D/o SMR and W/o SH, vide General Power of Attorney Registered, Book No. IV, dated AH-0F-20BA,

before Sub Registrar, Karachi and computerized ID DSU KHI, dated C0-0H-20BA.

(Copies of Power of attorney and other title documents are filed herewith and marked as annexure P/ 1 to P/)

3. That it is humbly submitted that defendant approached the plaintiff and showed his consent / desire to purchase the above said property as such both the parties entered into an agreement of sale dated AD-0G-20BA in respect of above said property for a total sale consideration of Rs.5,00,00,000/- (Rupees Five Crore Only).
4. That at the time of execution of the above said Sale Agreement, the defendant only paid an amount of Rs.75,00,000/- in the following manners: -
 - a. Rs.30,00,000/- (Rupees Thirty lacs only) in cash.
 - b. Rs.40,00,000/- (Rupees Forty Lac only) through bank Cheque No. CA-000000029 dated AD-0G-20BA, drawn on Faysal Bank Branch, Karachi.
 - c. Rs.3,00,000/- (Rupees Three Lac only) through bank Cheque No. dated AE-0G-20BA, drawn on bank, Karachi.
 - d. Rs.2,00,000/- (Rupees Two Lac only) through bank Cheque No. dated AE-0G-20BA, drawn on bank, Karachi.
5. That the balance amount of Rs.4,25,00,000/- was required to be paid by the defendant to the plaintiffs at the time of execution of General Power of Sub-Attorney/ Sale Deed/ Transfer before the concerned Registrar, Karachi, in favour of the defendant or his nominee and delivery / handing over the vacant peaceful possession of the said property. It is further submitted that the

defendant further paid an amount of Rs.40,00,000/- in cash on or about 01-0H-20BA vide payment receipt dated 01-0H-20BA.

(Copies of the sale agreement dated AD-0G-20BA along with receipts are attached herewith and marked as annexure P/ to P/)

6. That at this juncture it is prudent to place on record that this agreement of sale between defendant and plaintiffs, which is obligatory by virtue of Section 37 of the Contract Act which is reproduced hereto:

“37. The obligation of parties to Contracts. The parties to a contract must either perform, their respective promises, unless such performance is dispensed with or executed under the provisions of this Act, or of any other law, promises to bind the representatives of the promises in case of the death of such promises before performance, unless a contrary intention.

7. That, subsequently, payment schedule was premeditated between plaintiffs and defendant by consent wherein the payments were specifically scheduled by means of the aforesaid indenture. It is a matter of record that as the Defendant is fully aware about the cost of said property is Rs.5,00,00,000/- but he only managed to pay an amount of Rs. 255,00,000/- for which he was required to pay the same upto 01-2021 but regretfully observed that inspite of several payment requests and reminders, Defendant deliberately, intentionally and badly failed to fulfill his part of contract under the Sale Agreement. It is further submitted that the defendant deliberately failed to fulfill his payment/ commitment and defaulted in payment of dues / outstanding sale amount within stipulated time and still an amount of Rs.2,45,00,000/- is outstanding against him.

8. That the plaintiffs had already handed over the possessions to the defendant except ground floor of the said property. It is humbly submitted that the plaintiffs have already transferred the said property in favour of the defendant vide indenture of sale deed registered at No. DFFD , Book No.A, dated BF- 20BA before Karachi and vide computerized ID No. ABC dated 0B-0B-20BB

(Copy of Sale Deed is filed herewith and marked as annexure P/)

9. That, it has been regrettably observed that inspite of several requests / reminders the defendant has not made any efforts to pay his outstanding balance as stated in above paras. It is further submitted that the defendant is in arrear of Rs.245,00,000/- and is liable to pay the same to the plaintiffs but no heed has been given by the defendant to the said requests / reminders.

10. That on _____ the defendant illegally and unlawfully occupied the ground floor of the above said property in absence of the plaintiffs along with all fixing, fixture, furniture's and other household articles which includes, two A/Cs, Fridge, deep refrigerator and other valuable articles, including cash amount lying the Almirah , which totally cost at Rs.40,00,000/- and since then the defendant has illegally occupying the same. It is further submitted that the recently it transpired that defendant is intending to demolish the said house with the intention to reconstruct the same without paying the above said outstanding amount and cost of furniture and household articles of the plaintiffs.

11. That therefore, no option left for the Plaintiffs, filing the suit against the Defendant for the recovery of dues as the breach of contract act done by the Defendant side under the Contract Act section 39 and under section 193 P.P.C. R/w Section 476 Cr. P.C.
12. That the cause of action firstly accrued to the plaintiff against the defendant when the defendant got the suit property purchased the same vide agreement of sale dated AD-0G-20BA, secondly when the plaintiffs registered Sale Deed of the said property in favour of the defendant, thirdly when the defendant failed to pay the remaining sale consideration and lastly on _____ , when he illegally and unlawfully occupied the ground floor of the said property along with household articles costing to the amount of Rs.40,00,000/-, the said cause of action further arose when the defendant malafidely and dishonestly caused inordinate delay in paying the above said amount and committed willful default, and the same cause of action still arise even till today, hence this suit.
13. That for the purpose of declaration, specific performance, permanent Injunction and recovery, the suit is valued at Rs.5,40,00,000/- and as such, the maximum court fee of Rs.15,000/- has been paid which is affixed hereto. This Hon'ble Court has jurisdiction in the matter, as the property is situated within the territorial jurisdiction of this Hon'ble Court. i.e. P.S. _____, Karachi.

PRAYER

It is therefore prayed on behalf of the plaintiff above named that this Hon'ble court may graciously be pleased to pass judgment and decree in favour of the plaintiff and against the defendant as follows:

- A. Declare that time, agreed by the defendant, was-essence of the contract, the defendant has failed to fulfill his commitment and committed willful default in payment of outstanding dues within stipulated times strictly in terms of Section 37 of the contract Act, is liable to pay the remaining sale consideration of Rs.2.45,00,000/- and / or cancel the Sale Deed of the said property bearing Registration No. DFFD, Book No.A, dated AF-AA-20BA before Sub Registrar Karachi and vide computerized ID No. dated 0B-0B-B-BB.
- B. To direct the defendant to perform his part of contract and pay the remaining sale consideration of Rs. 2,45,00,000/- payable against the defendant.
- C. To direct the defendant to pay an amount of Rs. 40,00,000/- cost of the household articles lying at ground floor of the said property which has illegally and unlawfully retained by the defendant by occupying the same.
- C. Permanently restrain the defendant, his employees, persons, agents, attorneys, or any person acting on his behalf, from taking any action and desist from creating any third-party interest in respect of the suit property i.e. **Leasehold Residential Plot with construction thereon upto ground plus two floors, bearing House on Plot No, Measuring 451 Square Yards, Karachi, as**

defendant having no such right or entitlement whatsoever till settlement of above said outstanding amounts/ dues of the plaintiffs.

- D. Cost of the suit.
- E. Grant any further relief to which the plaintiffs is found entitled to in the circumstances, in the interest of justice, equity and fairness.

Plaintiff No.1	Plaintiff No.2
Karachi.	
Dated: -10-2023	Advocate for the Plaintiffs

VERIFICATION

We, (1) UF/ Plaintiff 1 S/o FA, holding CNIC and (2) AS/ Plaintiff 2S/o MS, holding CNIC No., the plaintiffs above named , do hereby solemnly affirm and verify on Oath that the contents of all the above paras including prayer clauses have been drafted as per our instructions and the same are true and correct to the best of our knowledge and belief.

Karachi:	
Dated: -10-2023	DEPONENT NO.1

DEPONENT NO.2

DOCUMENTS FILED	As per annexures.
DOCUMENTS RELIED UPON	Original of the Annexures, and all other relevant documents.
ADDRESS OF THE PARTIES	As in Title.
ADDRESS FOR SERVICE OF PLAINTIFF’S COUNSEL.	As in Vakalatnama.

IN THE COURT OF SENIOR CIVIL JUDGE CENTRAL AT
KARACHI

Civil Suit No. /2023

UF/ Plaintiff 1 & Another

Plaintiffs

VERSUS

FAK / Defendant

Defendant

ADDRESS FOR SERVICE OF THE PLAINTIFFS

1. UF/ Plaintiff 1 S/o FA
Karachi
2. AS/ Plaintiff 2S/o MS
Karachi

Karachi:

Dated: -10-2023

Advocate for the plaintiffs

IN THE COURT OF SENIOR CIVIL JUDGE CENTRAL AT
KARACHI

Civil Suit No. /2023

UF/ Plaintiff 1 & Another

Plaintiffs

VERSUS

FAK / Defendant

Defendant

APPLICATION U/O XXXIX RULE 1&2
R/W SECTION 151 CPC.

For the reasons & facts disclosed in the main plaint as well as in the accompanying affidavit, it is prayed on behalf of plaintiffs that this Hon'ble Court be pleased to restrain the the defendant, his employees, persons, agents, attorneys, or any person acting on his behalf, from taking any action and desist from creating any third-party interest in respect of the suit property i.e. **Leasehold Residential Plot with construction thereon upto ground plus two floors, bearing House Measuring 451 Square Yards, situated Karachi**, as defendant having no such right or entitlement whatsoever till settlement of above said outstanding amounts/ dues of the plaintiffs, without due course of law, till the final disposal of this case.

Ad-interim order in terms of the above are also solicited.

Karachi:

Dated: -10-2023

ADVOCATE FOR THE PLAINTIFFS

For Immediate Use Only
on behalf of plaintiffs
IN THE COURT OF SENIOR CIVIL JUDGE CENTRAL AT
KARACHI

Civil Suit No. /2023

UF/ Plaintiff 1 & Another

Plaintiffs

VERSUS

FAK / Defendant

Defendant

AFFIDAVIT

I, UF/ Plaintiff 1 S/o FA, Muslim, adult, resident of Karachi, do
hereby state on Oath as under:-

1. That I am the plaintiff No.1 in the above matter as well as deponent of this affidavit, hence fully conversant with the facts of this affidavit.
2. That the accompanying application U/O 39 Rule 1 & 2 CPC has been drafted and preferred upon my specific instructions, contents whereof as well as of the plaint may kindly be treated as part and parcel of this affidavit for the sake of brevity.
3. That I say that I has got prima facie case in my favour and balance of convenience also lies in my favour.
4. That until and unless the accompanying application is allowed I shall sUF/ Plaintiff 1fer irreparable loss and be prejudiced.
5. That whatever has been stated above is true and correct to the best of my knowledge and belief.

Karachi:
Dated: -10-2023 DE P O N E N T
IN THE COURT OF SENIOR CIVIL JUDGE CENTRAL AT
KARACHI
Civil Suit No. /2023

UF/ Plaintiff 1 & Another Plaintiffs

VERSUS

FAK / Defendant Defendant

LIST OF LEGAL HEIRS OF PLAINTIFFS

Plaintiff No.1

- 1.
- 2.
- 3.
- 4.

Plaintiff No.2

- 1.
- 2.
- 3.
- 4.

In case the death of the plaintiffs, the one of above legal heirs shall appear in this Hon’ble Court

Karachi:
Dated: -10-2023 Advocate for the Plaintiffs

IN THE COURT OF SENIOR CIVIL JUDGE CENTRAL AT
KARACHI

Civil Suit No. /2023

UF/ Plaintiff 1 & Another

Plaintiffs

VERSUS

FAK / Defendant

Defendant

**APPLICATION U/S 149 CPC FOR EXEMPTION OF
COURT FEE FOR THE TIME BEING.**

For the reasons disclosed in the accompanying affidavit, it is prayed that this Hon'ble Court may graciously be pleased to exempt the plaintiffs from Court Fee for the time being as the present financial position of the plaintiffs are very weak and they cannot pay the same, however they undertake and assure that the plaintiffs will pay the Court Fee as and when their Financial Position become sound.

The application is made in the interest of justice.

Karachi:

Dated:

Advocate for the Plaintiffs

For immediate use in Court
On behalf of the plaintiffs.

IN THE COURT OF SENIOR CIVIL JUDGE CENTRAL AT
KARACHI

Civil Suit No. /2023

UF/ Plaintiff 1 & Another

Plaintiffs

VERSUS

FAK / Defendant

Defendant

AFFIDAVIT

I, UF/ Plaintiff 1 S/o FA, Muslim, adult, resident of Karachi, do
hereby state on Oath as under:-

1. That I am the plaintiff No.1 in the above matter and deponent of this affidavit, as such am fully conversant with the facts of the matter deposed to below.
2. That the accompanying application U/S 149 CPC for exemption of court fee for the time being has been drafted and filed under my specific instructions and the contents whereof are true and correct and the same alongwith contents of the memo of plaint may please be treated as part of this affidavit for the sake of brevity.
3. That I say that I have a good prima facie case, balance of convenience lies in my favour and until and unless accompanying

application is granted as prayed I will be seriously prejudiced and shall suffer irreparable loss.

4. That I say that I and plaintiff No.2 are facing hardship / financial losses in our business and undertake to pay the court fee as and when our financial conditions become sound and as well as whenever directed by this Honorable Court.

5. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated:

DEPONENT

IN THE COURT OF SENIOR CIVIL JUDGE CENTRAL AT
KARACHI

Civil Suit No. /2023

UF/ Plaintiff 1 & Another Plaintiffs

VERSUS

FAK / Defendant Defendant

INDEX

Sr. No.	Documents	Annexure	Page
1	Copy of the plaint	-----	
2	Copies of Power of attorney and other title documents	P/1 to P/	
3	Copies of the sale agreement dated AD-0G-20BA along with receipts	P/ to P/	
4.	Copy of Sale Deed	P/	
5	Application Under order XXXIX RULE 1 & 2 CPC read with section 151 CPC along with affidavit.		
6	Application Under Section 149 CPC for exemption of Court Feet along with affidavit.		
7	Vakalatnma		

Karachi:

Dated: -10-2023 Advocate for the Plaintiffs

IN THE COURT OF SR. CIVIL JUDGE WEST AT
KARACHI

Civil Suit No. / 2020

MTA/Plaintiff

Plaintiff

VERSUS

1. MA / Defendant 1
 2. AM / Defendant 2
 3. TM / Defendant 3
 4. ZAT / Defendant 4
 5. T Builders and Developers/ Defendant 5
- Defendants

**SUIT FOR DECLARATION, PERMANENT INJUNCTION,
POSSESSION AND CANCELLATION OF DOCUMENTS**

The plaintiff abovenamed most respectfully begs to
submit as under:-

1. That, the plaintiff is an educated, edified and respectable citizen of Pakistan. He is a retired Government Officer of BPS-19 and at the time of his retirement, he was serving in ABC Authority of Pakistan, Islamabad.

(Copy of Service Identity Card for Retired Employees of the plaintiff is attached and marked as annexure P/1).

2. That the plaintiff is the lawful owner of a plot of land admeasuring 240 square yards, bearing Plot / House No. AFD Karachi, along with constructions hereinafter referred to as the said Plot.

3. That the defendant No.5 being builders and developers announced a project of plotting under the name and style of, Karachi on installments basis and applications were sought from general public. The plaintiff applied for a plot vide application dated AE-E-AIIF and also paid Rs.7000/- booking charges at Bank, Karachi, in the said scheme and he succeeded to get the above said plot in the said project.

(Copy of Initial Application Form is attached and marked as annexure P/ 2)

4. That thereafter, the plaintiff made all the payments well in time as per given schedule of the defendant No. 5 through cash and bank cheques i.e. (1) Cheque No. 00000000, amounting of Rs.17000/- dated 0A-0I-AIIF, drawn at Bank2 Branch, (2) Cheque No. 00111111, amounting of Rs.18000/- dated 20-05-2006, drawn at Bank 3, Karachi and (3) Cheque No. 11111111, amounting of Rs.9000/- dated B0-A0-AIII, drawn at Bank 4 ,Lahore.

(Copies of Payment Slips of cash and through Cheques are attached and marked as annexure P/ to P/)

5. That, in the meantime, the defendant No. 5 also issued Provisional Allocation Letter No. BDCI vide receipt dated BI-0F-AIIF to the plaintiff.

(Copies of Provisional Allocation letter is attached herewith and marked as annexure P/)

6. That on or about BG-C-B00F, the defendant No. 5 through its counsel has published a public notice in newspaper Daily Jung, Karachi wherein called the genuine allottees for possession and / or refund of amount who are unable to pay the dues / installments. It is submitted that in response to said public notice the plaintiff approached the defendant No. 5 and submitted all the relevant documents and the defendant No. 5 after verification of all documents was pleased to issue Possession Order to the plaintiff and took its acknowledgment after granting physical possession with its site plan. It is pertinent to mention that earlier Plot No .ACE was provisionally issued by the defendant No. 5 but later on due to updation of site plan and map the same was transferred to AFD.

7. That on or about A0-H-B00F, the defendant No.5 also issued Verification Letter bearing reference No. dated A0-H-B00F in respect of the above plot in favour of the plaintiff.

(Copy of Verification Letter is attached herewith and marked as annexure P/)

8. That the plaintiff after getting physical and vacant possession of the above said plot on 0G-F-B00F, from the defendant No.5 , has constructed boundary wall, two rooms, a kitchen and bathroom and deputed one Mr BA

along with his son MOA, as Chowkidars to look after the said plot / house and they started living over there.

9. That on or about CA-AB-B0AI, the defendants No.1 to 4 along with other Gunda elements /land grabbers fully equipped with heavy arms, raided the above said plot/house misbehaved and threatened of dire consequence to the said Chowkidars and on gun point forcibly occupied the above said plot/ house. It is pertinent to mention that at the time of illegal occupation of the said house by the defendant No. 1 to 4, building / construction materials of the plaintiff were also lying in the said house which has also been retained by the said defendants No. 1 to 4.

10. The incident was promptly reported to the plaintiff by the said BA on the same day and matter was reported to Police Station by the said Chowkidars against the above said illegal occupants / defendants No. 1 to 4.

(Copy of Complaint is attached herewith and marked as annexure P/)

11. That meanwhile the defendant No. 5 issued "No Objection Certificate" in the name of the plaintiff for under development and lease charges which is in process vide reference No. .

(Copy of No Objection Certificate is attached herewith and marked as annexure P/)

12. That it is averred that the matter was promptly reported at the above said Police station but no legal action / FIR was lodged against the above said illegal occupants / encroachers, as the illegal occupants / defendants No. 1 to 4 have links with Land Mafia and different political parties. In order to get justice the plaintiff wrote letters / complaints to SSP West through DSP and also approached Inspector General of Police through online Tracking No. dated AE-0F-B0B0, and also wrote letter who was pleased to order for legal action to the concern SHO and as such FIR No. was lodged on 0E-0G-B0B0 at Karachi. It is further submitted that on or about AF-0G-B0B0, the Investigating Officer of the above FIR wrote a letter to the defendant No. 5 for verification of ownership of the said plot / house and in response to the said letter, the defendant No. 5 issued Verification Letter bearing reference No ,dated AI-0G-B0B0, wherein the ownership of the plaintiff with respect to the above plot / house was confirmed but till to date the concerned SHO has failed to get possession of the above said plot from the defendants No.1 to 4 and to hand over the physical and vacant possession of the said plot/ house to the plaintiff.

(Copies of complaint to SSP West, Complaint to IG Police, FIR, Application to Project Director and verification letter are attached and marked as annexure P/ to P/)

13. That , recently it has come in the knowledge of the plaintiff that the defendant No.1 has filed a collusive suit being Civil Suit No. before the _____ Civil Judge West at Karachi for permanent injunction against one son of not known and Welfare Association wherein he claimed to be the owner of the above said plot on the basis of forged and fabricated documents for getting restraining order from the honorable court of law over the said plot. It is further submitted that the said defendant No.1 with malafide intention has not made the plaintiff as a party in the said suit knowingly very well that he the actual and lawful owner of the said plot.

(Copy of the plaint along with all annexures are filed herewith and marked as annexure P/)

13. It is pertinent to mention that the plaintiff has visited the site and asked the defendants No. 1 to 4 to vacate the same and hand over the physical possession to the plaintiff as he is lawful owner of the said plot but they instead of vacating the same, have threatened the plaintiff to face dire consequences.

14. That it is pertinent to mention that after illegal possession of the above said plot/ house, the plaintiff has approached the law enforcement agencies and submitted applications to SHO, DSP, SSP, IG Police as well as to the Honorable Court of law but due to Covid-19, his all legal approaches were turned down and could not be

treated as per law, as such the suit could not be filed earlier, hence this suit.

15. That, the cause of action for filing the above suit accrued to the plaintiff against the defendants on AE-E-AIIF when the plaintiff booked the said plot and thereafter payment of amounts become owner of the said plot, and the defendant No.5 delivered the physical, vacant possession of the said plot and lastly on CA-AB-B0AI, when the defendants No.1 to 4 along with gunda elements has forcibly occupied the said plot / house and thereafter approached the law enforcement agencies / legal forum but due to Covid-19 , his complaints were not treated and moreover due to court works suspension he could not filed the case, and the said cause of action is still continued since then the defendants No.1 to 4 and their men / gunda elements are extending threats to the plaintiff as well as due to the illegal acts of the defendant No.1 to 4, their men causing the damages, losses to the plaintiff' plot.

14. That, the above said house premises is situated within the local limits of Police Station _____, which falls within the jurisdiction of this Hon'ble Court, as such this Hon'ble Court has jurisdiction to proceed the above matter.

15. That the proper court fee has been affixed accordingly.

PRAYER

It is, therefore, respectfully prayed in this Hon'ble Court that to pass the Judgment and Decree against the defendants and in favour of plaintiff as under:

- a) To declare that the plaintiff is lawful owner of the property i.e. plot of land admeasuring 240 square yards, bearing Plot No. AFD Karachi along with construction.
- b) To direct the defendants No. 1 to 4 to vacate the above suit property i.e. plot of land admeasuring 240 square yards, bearing Plot / House No. AFD Karachi and hand over the vacant and physical possession of the suit property to the plaintiff.
- c) To cancel the title documents produced by the defendant No.1 in his favour in respect of suit property i.e. Plot of land admeasuring 240 square yards, bearing Plot / House No. AFD Karachi.
- d) To restrain the Defendants No.1 to 4, their agents, Sub-ordinates, Servants, employees, attorney(s) or any other persons on their behalf to not illegally use the suit property Viz. Plot of land admeasuring 240 square yards, bearing Plot/ House No. AFD Karachi and vacate the plot and hand over the peaceful possession of the plot to the plaintiff and further restrain the defendant No.1 from

issuing threats for dire consequences as well as harassing, pressurizing, forcing and giving mental torture to the plaintiff, illegally and unlawfully and / or creating third party interest in the suit property, in any manner whatsoever.

e). Cost of the suit.

f). Any other or further relief which this Hon'ble Court may deem fit and proper in the interest of justice.

Karachi:

PLAINTIFF

ADVOCATE FOR THE
PLAINTIFF

VERIFICATION

I, MTA/Plaintiff, Muslim, Adult, R/o Karachi, the plaintiff in the above matter and am well conversant with the facts of the case and do hereby on Oath and verify the contents of the above paras, say the same are true to the best of my knowledge and belief.

Karachi:

Dated:

DEPONENT

DOCUMENTS FILED:

As per Annexures.

DOCUMENTS RELIED
UPON: Original of the
above and many other
relevant documents

ADDRESS OF THE PARTIES: As in the title.

ADDRESS FOR SERVICE OF
PLAINTIFF's COUNSEL:

As in Vakalatnama.

IN THE COURT OF SR. CIVIL JUDGE WEST AT
KARACHI

Civil Suit No. / 2020

MTA/Plaintiff

Plaintiff

VERSUS

MA / Defendant 1 & Others
Defendants

APPLICATION U/O XXXIX RULE 1 & 2
R/W SECTION 151 CPC.

For the reasons & facts disclosed in the main plaint as well as in the accompanying affidavit, it is prayed on behalf of plaintiff that this Hon'ble Court be pleased to restrain the Defendants No.1 to 4, their agents, Subordinates, Servants, employees, attorney(s) or any other persons on their behalf to use illegally the suit property Viz. Plot of land admeasuring 240 square yards, bearing Plot/ House No. AFD Karachi and vacate the plot and hand over the peaceful possession of the plot to the plaintiff and further restrain the defendants No.1 to 4 from issuing threats for dire consequences as well as harassing, pressurizing, forcing and giving mental torture to the plaintiff, illegally and unlawfully and / or creating third party interest in the suit property, in any manner whatsoever without due course of law.

Ad-interim order in terms of the above are also solicited.

Karachi:

Dated: -10-2020

ADVOCATE FOR THE

PLAINTIFF

Use Only

For Immediate

plaintiff

on behalf of

IN THE COURT OF SR. CIVIL JUDGE WEST AT
KARACHI

Civil Suit No. / 2020

MTA/Plaintiff

Plaintiff

VERSUS

MA / Defendant 1 & Others
Defendants

AFFIDAVIT

I, MTA/Plaintiff, Muslim, Adult, R/o Karachi, hereby state
on Oath as under:-

1. That I am the plaintiff in the above matter as well as
deponent of this affidavit, hence fully conversant with the
facts of this affidavit.

2. That the accompanying application U/O XXXIX Rule
1 & 2 CPC has been drafted and preferred upon my
specific instructions, contents whereof as well as of the
plaint may kindly be treated as part and parcel of this
affidavit for the sake of brevity.

3. That I say that I have a got prima facie case in my
favour and balance of convenience also lies in my favour.

4. That until and unless the accompanying application is allowed I shall suffer irreparable loss and be prejudiced.

5. That whatever has been stated above is true and correct to the best of my knowledge and belief.

Karachi:

DEPONENT

IN THE COURT OF DISTRICT AND SESSION JUDGE KARACHI
(WEST)

Civil Appeal No /2021

SIHSB/ Plaintiff

, Karachi

Appellant

VERSUS

1. Mrs. MB/Defendant 1 wd/o MA
Muslim, Adult Karachi
For self and three minor children

- a. K d/o MA (Late)
- b. AH s/o MA (Late)
- c. ZUA s/o MA (Late)

2. MH/Defendant 2 s/o MA (Late)

3. AL, Karachi

4. The Trustees of the Port of Karachi
Through their Chairman
KPT Head Office, Eduljee Dinshaw Road
West Wharf, Karachi

5. The Estate Manager
Estate Department
KPT Head Office,
Eduljee Dinshaw Road
West Wharf, Karachi

6. SHO PS Docks
Keamari, Karachi

Respondents

APPEAL UNDER SECTION 96 C.P.C.

Being aggrieved and dissatisfied with the Impugned Order

Dated

24-02-2021 passed by the learned 1st Senior Civil Judge at Karachi

West in Suit No.73/2018 (SIHSB/ Plaintiff Versus Mrs MB/Defendant

1 & Others) upon an application under Order VII Rule 11 CPC filed

by the respondent in the above suit, hence the appellant begs to prefer the instant appeal on consideration of following facts and grounds: -

(Copy of the Impugned Order Dated 24-02-2021 is filed herewith and marked as annexure A/1)

FACTS

1. That the appellant above named filed a suit for declaration, Specific Performance, permanent injunction and damages wherein he stated that the appellant is the law abiding citizen of Pakistan and is residing at above mentioned address along with his family. The appellant purchased half of the plot No., with structure thereon, situated at Karachi, measuring 69.5 Sq. Yards amounting to Rs.10,00,000/- and agreement was executed on with MA son of MI husband of respondent No.1 and the father of the respondent No.2 and minor children along with respondent No.1 and got possession on the same day. According to terms and conditions, MA received Rs.9,00,000/- at the time of mutual agreement and given possession to the appellant and remaining one lac was to be paid to MA when KPT sanctioned transfer the above said plot to the appellant. But unfortunately MA expired on and after the death of MA transfer procedure stopped. The appellant is doing business of welding in the above said plot and was residing in the same vicinity since long.
2. That after the death of her husband, the respondent No.1 started to threaten the appellant, saying the said plot will be sold out to respondent No. 3 & 4.

3. That the respondent No.1 has started demanding extra money and appellant gave her money in different times as such the appellant had further paid Rs.2,00,000/- additional amount in presence of witnesses and the respondent No.1 allowed the appellant to continue the possession / business in the said business. The said respondent No.1 also assured that the appellant that she would transfer the said property in his favour.
4. That the respondent No.1 is a woman of greedy nature and is misguiding the respondent No. 3 & 4 for selling out the above said plot now in connivance with each other are attempting to occupy the shop of the appellant with malafide intention and for fulfillment of their ulterior motives. The appellant tried his level best to convince the respondents but they did not pay attention and the appellant apprehends illegal action and apprehends dispassion from the said plot through illegal means by force.
5. That on 14-10-2017, the respondent No.1 along with her companions / Gunda elements came at the shop of the appellant and threatened that the respondent No.2 and 3 want to purchase shop of the appellant and appellant may go wherever he likes and she also threatened that the appellant would be dispossessed from his shop forcibly. That being constrained appellant filed application before the respondent No. 6 and requested the SHO and DIG for restraining them from threatening, forcibly dispossessing/ occupying the shop / land

and other illegal activities, before the respondent No. 7 viz Karachi, but no action has been taken.

6. That the respondent No.1 has also approached the respondent No. 5 & 6 for the renewal of lease of the entire plot in her name and is trying to deprive the appellant from his legitimate right. The respondent No. 5 & 6 who are the statutory body and owner of the leased plot being the necessary party.
7. That the respondent No.1 to 4 are very difficult and aggressive lady and persons, who have close relations with gunda elements and they themselves, through their companions as well as criminal persons have started creating harassment and mental torture for the appellant and his family and they by their illegal acts, unlawful conduct and unjustified activities have turned the whole life of appellant like hell on earth. The appellant filed Misc. Criminal Petition No. before Session Judge Karachi West which is pending. The respondent No. 7 has been impleaded as party so as not to extend any illegal help to the respondents 1-4 in illegal dispossession of the appellant. The appellant claims rupees five million as damages for defamation, causing mental torture and non-performance of the agreement dated
8. That the appellant has paid handsome amount of sale consideration to the husband, father of the respondent No.1 & 2 respectively and he is the bonafide purchaser of half of the Plot No. measuring 69.5 Sq yards Boat Building Yard West

Wharf and the respondent No.1 & 2 are bound to get the said portion of Plot transferred / mutated in the name of the appellant by amending the records of the respondent No. 5 & 6 and the appellant is ready and bound to abide by the terms of lease as and when is granted in favour of the appellant.

9. The appellant in his plaint prayed following relief: -

a. To declare that the plaintiff is the bonafide purchase of the 69.5 Square yards of plot No. , Boat Building Yard West Wharf with possession and is entitled to get the Property transferred in his name in the records of defendant No. 5 & 6.

b. To direct the defendant No.1 & 2 who are the legal heirs of Late MA to specifically perform the acts necessary to transfer and to instruct the defendant No. 5 & 6 for affecting the transfer in pursuance of the undertaking / sale agreement executed on between Late MA and the Plaintiff.

c. To pay Rs. 5 million to the plaintiff for causing defamation, negligence, malafide attempts to threats for dispossession, causing mental torture and for non-performance of the said undertaking / Agreement dated

d. To grant permanent injunction against the defendants, thereby restraining them, their agents, servants, colleagues, representatives and or anybody else acting through them or on their behalf from illegal dispossessing the plaintiff's Shop/ Plot, threatening, creating harassment and / or disturbing the peaceful life and business of the plaintiff, in any manner whatsoever in nature, without due course of law.

e. To grant any other relief as the Hon'ble Court may deem fit and proper.

f. Cost of the suit and / or any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case, may be granted.

(Copies of the plaint along with annexure are filed herewith and marked as annexure A/ 1 to A.)

10. That summon of this case was issued to respondents, resultantly respondents filed written statement and denied the allegation of the appellant and further alleged that the appellant is the tenant of the said portion of the suit property and denied

the execution of sale agreement and payment of other amount to the respondent No.1 to 3. Further the respondents No.1 also failed to provide any tenancy agreement whereas it is undisputed facts that the deceased has sold out the said property to the appellant and thereafter the appellant tried his level best to get transfer the said property in his favour but of no avail due to non cooperation of the respondents with malafide intentions. It is further submitted that the respondent No.1 to 3 have also filed an application under order VII Rule 11 CPC for rejection of plaint which was allowed by the learned trial court and reject the plaint of the appellant. It is further submitted that the respondent No.4 &5 have also submitted their written statement and alleged that they are not aware about the execution of sale agreement, and also stated that the deceased is not authorized to execute sale agreement with respect of said property, hence this appeal on consideration of following grounds: -

(Copies of the written statements , application under order VII Rule 11 CPC , and counter affidavit filed by the appellant are filed herewith and marked as annexure A/ to A/)

11. That for the purpose of court fee and jurisdiction the appeal is valued at Rs 5 Million, damages 5 million and permanent injunction , the appeal is valued at Rs.1,20,00,000/- and the same value is made for the appeal.

GROUND

1. That the impugned judgment and order of the Learned Trial Court on facts and law is unjust, inequitable, erroneous and liable to be set-aside.

2. **That** the impugned order has been passed without considering the facts, law, which is not in consonance with precedents made by **Hon'able Superior Judiciary** in this respect.

3. **That** the impugned order is arbitrary and has been passed in hurry manner without applying the judicial mind.

4. That the learned Trial Court while passing the impugned order failed to appreciate the case from its proper perspective and has reached to the wrong conclusion.

5. That the learned lower court has misread the evidence and documents produced by the appellant and filed this order in haste and erroneous manner.

6. That the learned lower court has not give any weight to the documents produced by the appellant inspite of that the said documents gone unrebuted.

7. That the Learned Trial Court has failed to consider that the respondent has not disputed the fact that the appellant is in possession but wrongly claimed that he is tenant but failed to bring on record any documentary evidence of their stance, whereas the appellant has produced all the relevant documents despite the facts the learned trial court has erroneously come to the conclusion that the appellant has failed to consider and passed the impugned order and

debar the plaintiff to prove his case though his possession is undisputed and is in possession since long and doing his business over the said since the year

8. That the learned trial court has failed to consider that the respondent malafidely, willfully or an act of dishonestly has mislead and the suit for specific performance needs evidences and cannot be decided in application under order VII Rule 11 CPC.

9. That, the leaned trial court ought to have frame issues at to cause of action, limitation and territorial jurisdiction so that substantive justice could be achieved.

10. That it is settled principle of law that matters be decided on evidence on record and full fledged trial on the basis of merits instead of knocking any of the parties on technical grounds.

11. That the appellant crave leave of this Honorable Court to add further ground at the time of hearing of this appeal.

PRAYER

It is, therefore, prayed that this Honorable Court may be pleased to call R & P of Suit No (SIHSB/ Plaintiff Versus Mrs MB/Defendant 1 & Others) from the court of Illrd Senior Civil Judge Karachi West, and after going through the facts and grounds mentioned in this appeal and evidence and records and proceedings in the said suit and set aside the order passed by the learned trial court, and decide the same in favour of the appellant and decree the

suit in his favour or pas any other or further order which this Honorable Court may deem fit and proper under the circumstances, of the case.

Karachi

Dated

Appellant
Through attorney

Advocate for the Appellant

VERIFICATION

I, SJAB son of SIHSB/ Plaintiff, Muslim, adult, resident of Karachi, the attorney of the appellant above named do hereby state and verify on oath that whatever stated above is true and correct to the best of my knowledge and belief. **Copy of the power of attorney is filed herewith and marked as annexure A/**

Deponent

Documents filed : Annexure A/1 to A/

Address of the parties: As given in the title.

Address for Service :

IN THE COURT OF DISTRICT AND SESSION JUDGE KARACHI
(WEST)

Civil Appeal No /2021

SIHSB/ Plaintiff

Appellant

VERSUS

Mrs. MB/Defendant 1 & Others
Respondents

APPLICATION U/S 149 CPC FOR
EXEMPTION OF COURT FEE

For the reasons disclosed in the accompanying affidavit, it is prayed that this Hon'ble Court may graciously be pleased to exempt the appellant from Court Fee for the time being as the present financial position of the appellant is very weak and he cannot pay the same, however he undertakes and assure that the appellant will pay the Court Fee as and when his Financial Position become sound.

The application is made in the interest of justice.

Karachi:

Dated: Advocate for the Appellant

IN THE COURT OF DISTRICT AND SESSION JUDGE KARACHI
(WEST)

Civil Appeal No /2021

SIHSB/ Plaintiff

Appellant

VERSUS

Mrs. MB/Defendant 1 & Others

Respondents

AFFIDAVIT IN SUPPORT OF APPLICATION U/S 149 CPC
FOR EXEMPTION OF COURT FEE

I, SJAB son of SIHSB/ Plaintiff, Muslim, Adult, R/o Karachi, do hereby state on oath as under:

1. That I am attorney of the appellant in the above case as such am fully conversant with the facts of the case.
2. That the accompanying application has been drafted and filed under my specific instructions and for the sake of brevity the contents of the same may be treated as part and parcel of this affidavit.
3. That I state that at present financial position is very weak and the appellant cannot pay the same, however he undertakes and assures that he would pay the Court Fee as and when his Financial Position become sound.
4. That unless the accompanying application is allowed as prayed the appellant shall be seriously prejudiced and shall suffer irreparable loss.
5. That whatever stated above is true and correct to the best of my knowledge, belief and information.

Karachi
Dated

Deponent

JK/Plaintiff resident of Islamabad,
Presently at Karachi ,

Plaintiff

VERSUS

1. MSSA/Defendant 1
since deceased through his legal heirs

- a. W Mother
- b. S Sister
- c. AHQ Brother
- d. SH Sister
- e. AAQ Sister

Karachi,

2. The Registrar
Karachi

3. The Registrar Karachi

4. The Director land
Karachi

5. IGP Sindh
Karachi

6. The SHO
Police Station
Karachi

7. The Director
FIA Karachi

8. The Director
NAB Karachi

Defendants

**SUIT FOR DECLARATION, SPECIFIC PERFORMANCE,
CANCELLATION AND PERMANENT INJUNCTION**

The Plaintiff named above begs to submit as under:

1. That the plaintiff is an educated, edified, respectable and law abiding citizen of Islamic Republic of Pakistan and he has been

living at the above said address along with his family members as such earns a good reputation among his colleagues, friends and general public.

2. That the defendant No.1 is lawful owner of an immoveable property i.e. **Double Storey Bungalow, measuring 1012 Square Yards, situated at Karachi**, hereinafter referred to as the '**SAID PROPERTY**'.

3. That the defendant No.1 agreed to sell and plaintiff has agreed to purchase the said property at an agreed sale consideration of Rs.6,00,00,000/- (Rupees Six Crore only) and in this regard an agreement of sale dated, was executed between the plaintiff and defendant No.1.

(That the defendant No.1 assured the plaintiff at the time of execution of above said agreement that the said property is free from all claims, liens, charges, burdens, bills, disputes, suits, liabilities, mortgage, encumbrances of whatsoever.

4. That the defendant No.1 at the time of execution of the above said sale agreement has received from the plaintiff a sum of Rs.3,00,00,000/- (Rupees Three Crore only) in cash being the advance payment towards sale consideration of the 'Said Property', receipt of which the defendant No.1 hereby fully admitted and acknowledged separately.

(Copy of the payment receipt is attached and marked as annexure P/)

5. That as per the terms of agreement of sale , the balance sale consideration to the tune of Rs.3,00,00,000/- (Rupees Three Crore only) of the said property was required to be paid by the

plaintiff to the defendant No.1 at the time of Registration of Sale/Conveyance Deed.

6. That the defendant No.1 had also delivered / handed over the vacant, peaceful and physical possession of the said property to the plaintiff at the time of execution of sale agreement and also executed / delivered possession handing over and possession taking over letter duly attested by witnesses along with installed electric meter and gas meter installed over the said property. It is pertinent to mention that since then the plaintiff is enjoying lawful possession of the said property.

(Copy of possession handing over and possession taking over letter duly attested by witnesses is attached and marked as annexure P/)

7. That the defendant No.1 also assured and covenants with the plaintiff that the defendant No.1 is full owner of the said property which is free from all sorts of claims, liens, charges and encumbrances whatsoever in nature and that the defendant No.1 has good right, title and lawful authority to sell the said property to the plaintiff in all respect.
8. That the defendant No.1 further covenants and assured the plaintiff that the title documents and papers of the property are genuine and in full force and that the defendant No.1 has full authority and capacity to enter into agreement of sale and/or to transfer, sell the said property.
9. That the defendant No.1 also kept the plaintiff secured and indemnified against all losses. and/or damages caused to the

plaintiff on account of any defect in title documents or any adverse claim through up against the said property by any individual firm or organization.

10. That thereafter the plaintiff time and again approached the defendant No.1 and requested him for transfer of the said property in his favour and deliver the original title documents of the said property to the plaintiff as per stipulation and promises but the defendant No.1 kept on tolerating the plaintiff on one pretext or the other and never fulfilled the legal demand of the plaintiff.
11. That it is humbly submitted that the defendant No.1 died in the year and thereafter the plaintiff approached the legal heirs of the defendant No.1 and requested for performance of their part of contract on behalf of the deceased but they also tolerated on one pretext or the other and till to date they have failed and neglected to perform their part of contract.
12. That recently on or about in the month , it has come in the knowledge of the plaintiff that the defendant No.1 is negotiating with someone to sell out the said property on higher price and illegally and unlawfully trying to transfer the said property by keeping the plaintiff under darkness with malafide intention and for fulfillment of his ulterior motives with the sole intention to deprive the plaintiff from his legitimate rights over the said property being the purchaser and lawful occupant of the said property. It is further submitted that the defendant No.1 through

other **Gunda** elements are also bent upon to harass, blackmail and threatening the plaintiff for illegal eviction from the said property without due course of law.

13. That the plaintiff has performed his part of contract by paying the half of the agreed sale consideration and is ready to pay remaining amount to the defendant No.1 subject to the fulfillment of part of contract on the part of defendant No.1 for transfer of the said property in his favour but he has failed to perform his part of contract and also reluctant to do so and negotiating to create third party interest over the said property.
14. That because of the above, the Plaintiff has no other recourse but to approach the Hon'ble Courts for relief by filing this Suit, hence this suit.
15. That the defendant No 1 after coming to know that the plaintiff is going to initiate the legal proceeding has been trying to create third party interest and as such the plaintiff files this suit now urgently.
16. That the said property is situated within the local limits of, Karachi, which area is within the jurisdiction of this Hon'ble Court.
17. That the cause of action arose here at Karachi to the plaintiff against the defendant No.1 firstly on, when the plaintiff purchased the said property through sale agreement, since then he is in lawful possession of the said property, thereafter

on each and every date when the plaintiff approached the defendant No.1 for transfer of the said property in his favour but he tolerated on one pretext or the other and lastly in the month of, when the defendant No.1 tried to create third party interest over the said property. The said cause of action is still continuing one.

- 18.** That for the purposes of the Court fee and jurisdiction, the suit is valued at Rs. 6,00,00,000/- for declaration and for injunction and the maximum court fee has been affixed on the face of the plaint of this suit.

PRAYER

It is, therefore, prayed that this Honourable Court may be pleased to pass a judgment and decree in favour of the Plaintiff and against the Defendant No.1 in the following manners:-

- a)** To declare that the Plaintiff is the lawful purchaser of an immoveable property i.e. **Double Storey Bungalow Karachi.**
- b)** To direct the defendant No.2 and 3 to cancel the mutation, transfer or any other title documents registered in favour of the defendant No.1, or any of his nominee / legal heirs, persons or person in respect of the suit property, registered after execution of the above said sale agreement with the plaintiff.
- c)** To direct the Defendant No.1 or the Nazir of this Honorable Court to execute the prescribed sale deed in favour of the

Plaintiff in respect of the property i.e. an immoveable property
i.e. **Double Storey Bungalow Karachi.**

- d) To grant a permanent injunction, restraining the Defendant No.1 or any other person or persons, agents, heirs, executors, administrators, attorneys acting on his behalf or for his interest, from selling, alienating, disposing , transferring and / or creating third party interest in respect of the said property i.e. **Double Storey Bungalow Karachi**, in any manner whatsoever.
- e) To direct the defendant No. 5 to 8 to provide legal protection to the plaintiff and his family members from illegal and unlawful acts/omission of acts from the hands of defendant No.1 or any other persons acting through him or on his behalf after conducting inquiry against the defendant No.1.
- f) To direct the defendant No.1 to deliver / hand over the original title documents of the above said property to the plaintiff.
- g) To grant a permanent injunction, restraining the Defendant No.1 or any other person or persons, agents, heirs, executors, administrators, attorneys acting on his behalf or for his interest, from harassing, blackmailing, threatening and interfering with the possession of the said property i.e. **Double Storey Bungalow Karachi**, in any manner whatsoever.
- h) Costs of the proceedings;
- i) Any other/further/additional relief(s) that this Honourable Court may deem fit.

KARACHI:
DATED: PLAINTIFF

ADVOCATE FOR PLAINTIFF

VERIFICATION

I, JK S/O. MR. KUR, Muslim, adult, resident of Karachi, the Plaintiff named above, do hereby state and verify on oath that whatever I have stated above in my plaint is true and correct to the best of my knowledge, belief and information.

DEPONENT

Documents filed: Photo copies of Annexures: “P/ 1 ” to ” .

Documents relied on: Originals of the above and any other Document with the permission of the Hon’ble Court.

Address of the Plaintiff: Same as given in cause title.

JK/Plaintiff

Plaintiff

VERSUS

MSSA/Defendant 1& Others

Defendants

APPLICATION U/O XXXIX RULE 1 & 2 CPC,
R/W SECTION 151 CPC.

For the facts and reasons disclosed in the accompanying affidavit, as well as in the memo of plaint, it is respectfully prayed on behalf of the plaintiff abovenamed that this Hon'ble Court may graciously be pleased to grant interim injunction against the defendants, thereby restraining the defendants, their agents, servants, employees, nominees, colleagues, persons, representatives, workers, attorneys and / or anybody else acting on their behalf or in their name, from harassing, blackmailing, threatening the plaintiff and also restrain them from selling mortgaging, transferring / mutating the property i.e. **Double Storey Bungalow Karachi** and / or creating any third party interest in the same, in any manner whatsoever in nature without due course of law, till final disposal of the main suit.

Ad-interim orders for maintaining status quo are solicited.

The prayer is made in the interest of justice.

Karachi:

Dated: -01-2024

Advocate for the Plaintiff

JK/Plaintiff

Plaintiff

VERSUS

MSSA/Defendant 1& Others

Defendants

AFFIDAVIT

I, JK S/o Mr. KUR, Muslim, Adult, R/o Karachi, do hereby state on Oath as under:-

1. That I am plaintiff in the above titled suit and deponent of this affidavit, as such am fully conversant with the facts of the matter deposed to below.
2. That the accompanying application U/o 39, Rule 1 & 2 CPC R/w Section 151 CPC has been drafted and filed under my instructions and the contents whereof are true and correct and the same alongwith contents of the memo of plaint may please be treated as part of this affidavit for the sake of brevity.
3. That I say that I have a good prima facie case, balance of convenience lies in my favour and until and unless accompanying application is granted as prayed I will be seriously prejudiced and shall suffer irreparable loss.
4. That whatever stated above is true and correct to the best of my knowledge and belief.

IN THE COURT OF SENIOR CIVIL JUDGE SOUTH AT
KARACHI

SUIT NO..... OF 2024

JK/Plaintiff Plaintiff

VERSUS

MSSA/Defendant 1& Others Defendants

LIST OF WITNESSES

1.

Plaintiff

He will corroborate
his version in the plaint.
2.

Support the Version
of the plaintiff.
3.

-----do-----
4.

Karachi:

Dated: -01-2024 Advocate for the Plaintiff

JK/Plaintiff

Plaintiff

VERSUS

MSSA/Defendant 1& Others

Defendants

**APPLICATION U/S 149 CPC FOR EXEMPTION OF COURT FEE
FOR THE TIME BEING.**

For the reasons disclosed in the accompanying affidavit, it is prayed that this Hon'ble Court may graciously be pleased to exempt the plaintiff from Court Fee for the time being as the present financial position of the plaintiff is very weak and he cannot pay the same, however he undertakes and assure that the plaintiff will pay the Court Fee as and when his Financial Position become sound.

The application is made in the interest of justice.

Karachi:

Dated: -01-2024

Advocate for the Plaintiff.

JK/Plaintiff

Plaintiff

VERSUS

MSSA/Defendant 1& Others

Defendants

AFFIDAVIT

I, JK S/o. Mr. KUR, Muslim, Adult, R/o Karachi, do hereby state on Oath as under:-

1. That I am plaintiff in the above titled suit and deponent of this affidavit, as such am fully conversant with the facts of the matter deposed to below.
2. That I say that I undertake to submit the Court fee in this Hon'ble Court, in mean while my suit may please be admitted.
3. That I say that I may please be granted leave and allowed to submit the Court fee in the pendency of suit.
4. That I say that for the sake of brevity the contents of the accompanying application, those are true and correct drafted under my instructions, may be treated as part and parcel of this affidavit.
5. That I say that I have a got good prima facie case, balance of convenience is also in my favour and until and unless the accompanying application is granted, I shall suffer irreparable losses and will be seriously prejudiced.

6. That unless the accompanying application is granted I will suffer irreparable loss
7. That whatsoever stated above is true and correct to the best of my knowledge and belief.

Karachi:

IN THE COURT OF SENIOR CIVIL JUDGE, KARACHI
()

Civil Suit No. /2021

KK

Muslim, adult, presently residing at
Taiwan 640, through her special attorney

Mr MI

Muslim, adult, Karachi

Plaintiff

VERSUS

1. The Chairman,
Board of Intermediate Education Karachi

2. The Secretary,
Board of Intermediate Education Karachi

3. Controller of Examinations, i
Karachi..

Defendants

SUIT FOR DECLARATION
AND CONSEQUENTIAL RELIEF

Respectfully Sheweth: -

1. That the plaintiff is a respectable and law abiding citizen of Islamic Republic of Pakistan and is presently residing at Taiwan at the above said address in connection with her study / job.

2. That the plaintiff during her residency at Karachi has passed her Secondary School Certificate Examination in the year vide Roll No. , Group Science, with the name as KK from the Board of Secondary Education, Karachi, being student of Sec. School, Karachi and resultantly she was issued statement of marks and matriculation

certificate. **Copies of the same are attached and marked as annexure P/1 to P/ 2.**

3. That it is humbly submitted that inadvertently the name of the plaintiff in the statement of marks dated as well as certificate dated was recorded/ mentioned with spellings as “KK” instead of “KK”, which is actual /correct name of her and with the same name, she was issued other documents i.e. CNIC etc.

4. That thereafter the plaintiff shifted abroad (Taiwan) to pursue her higher education whereupon she was issued Resident Certificate (R.O.C) by the Government of Taiwan. The resident certificate has been issued to the plaintiff with the name “KK” as per her actual name.

5. That since the education of the plaintiff stood completed and thereafter she applied for job but due to difference in the spellings of her name as mentioned on the statement of marks dated and metric certificate dated issued by the defendants is causing hurdles to plaintiff to pursue her job / education etc. any more at Taiwan and as such she is facing great difficulty.

6. That the plaintiff through her attorney has visited the defendants' offices for necessary correction of name upon the above said documents but the officials are reluctant to accede the requests of the plaintiff and have tolerated him on one pretext or the other.

7. That you are legally bound to make correction in their records and issue a fresh copy of statement of marks and matriculation

certificate with correct spellings of her name i.e. “KK” but no response has been made to genuine request made by the plaintiff through her attorney.

8. That the plaintiff has also sent a legal notice dated _____ to the defendants through her counsel for redressal of her grievances / correction of her name upon the said documents but no reply / response has been received from the defendants, . Hence this suit. **Copies of the legal notice along with TCS receipts are attached and marked as annexure P/ to P/ .**

9. That the cause of action arose in favour of the plaintiff firstly on when statement of marks was issued , secondly on when metric certificate was issued, thirdly on when special attorney approached the defendants on behalf of plaintiff for correction of spellings of her name i.e. “KK” instead of “KK” and lastly on _____ when the plaintiff sent a legal notice but the same has not been adhered to till date which still continues in favour of the plaintiff.

10. That the cause of action arose within limits of PS _____ Karachi and hence this learned court has got the jurisdiction to adjudicate upon the matter.

11. That the prescribed court fee is affixed on the plaint.

PRAYER

It is, therefore, most respectfully prayed that the suit may kindly be decreed in favour of plaintiff directing the defendants to issue a fresh copy of statement of marks and metric certificate to

the plaintiff with correct spellings of her name i.e. “KK” instead of “KK”.

Any other relief which this learned court may deem fit and appropriate be awarded.

Karachi

Dated
Plaintiff
Through attorney

Advocate for the Plaintiff

VERIFICATION

I, MI , Muslim, Adult, R/o Karachi, the authorized person / attorney of plaintiff in the above matter and am well conversant with the facts of the case and on this ____ day of, at Karachi do hereby on Oath and verify the contents of the above paras, say the same are true to the best of my knowledge and belief. **Copy of Authority Letter / Attorney is attached and marked as annexure P/ .**

Karachi:

Dated: D E P O N E N T

DOCUMENTS FILED:	As per Annexures.
DOCUMENTS RELIED UPON:	Original of the above and many other relevant documents
ADDRESS OF THE PARTIES:	As in the title.
ADDRESS FOR SERVICE OF PLAINTIFF’s COUNSEL:	As in Vakalatnama.

IN THE COURT OF SENIOR CIVIL JUDGE, KARACHI
()

Civil Suit No. /2021

KK

Plaintiff

VERSUS

The Chairman & Others -----

Defendants

LIST OF LEGAL HEIRS OF PLAINTIFF

1.

2.

3.

4.

In case the death of the plaintiff, the one of above legal heirs shall appear in this Hon'ble Court

Karachi:

Dated: -07-2021

Advocate for the Plaintiff.

IN THE COURT OF SENIOR CIVIL JUDGE, KARACHI
()

Civil Suit No. /2021

KK

Plaintiff

VERSUS

The Chairman & Others -----

Defendants

ADDRESS FOR SERVICE OF THE PLAINTIFF

Mr MI S/o
Karachi

Karachi:

Dated: -07-2021

Advocate for the Plaintiff

C.P. No. / 2023

VERSUS

CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973

It is most respectfully submitted on behalf of the petitioner

above named as under: -

That the petitioner is edified, respectable and law abiding citizen of .1
Pakistan and is residing at the above said address along with his
family members and as such earns good reputation among his
family members and general public.

That the petitioner is the lawful owner of an immoveable residential .2
property i.e. **Plot No.Karachi, admeasuring 906.66 square**
yards, hereinafter referred to as the said property.

(Copies of the title documents of the property are filed and marked as annexure P/1 to P/)

That the petitioner after purchasing the said property got prepared .3
the Map/ Building Plan and applied for approval before the
respondent No.3 through an application , thereafter the respondent
No.3 was pleased to approve the building plan vide letter bearing
reference No.duly signed by Deputy Director District South.

(Copies of the approval letter and building plan are attached herewith and marked as annexure P/ to P/)

That after approval of building plan from the competent authority of .4
respondent No. 3 as mentioned above, the petitioner started the
constructions work over the said plot of land under the supervision
of well-known architectures/ engineers and as per the terms and
conditions contained in above letter dated

That in the month of, one of his neighbor submitted complaint to .5
the respondent No.3 wherein he alleged that the petitioner has
been raising external staircase for his servants to access the roof
and upon his request, the staff of the respondent No.3 visited the
site and without issuing any notice sealed the building vide Sealing
Order bearing reference No./ District and forced the petitioner to
stop construction over the said property

(Copy of Seal Order dated 20-01-2023 is filed herewith and marked as annexure P/)

That it is humbly submitted that the petitioner approached the .6
respondent No.3 through application dated and also submitted
undertaking dated wherein he requested for de-sealing the
property and he undertook to carry to construction works as per
approved building plan on his above said property. It is further

submitted that upon his request , the respondent No.3 was pleased to de-seal his building vide letter bearing reference No. and allowed the petitioner to carry out his construction work over the said property.

That now the official of the respondent No.3 are continuously .7 visiting the property of the petitioner and harassing, blackmailing and threatening the petitioner to again seal the property and they are illegally and unlawfully intruding in the constructions of the building over the said plot of land, whereas the structure of the building has already been completed as per approved building plan but they are visiting and demanding Bhatta from the petitioner but on refusal of accede their illegal demands, they have many times stopped the constructions work of the building due to which the petitioner has been facing huge mental torture, agonies, and financial crisis.

That due to said illegal and unlawful act of the respondent No.3 the .8 petitioner has been facing huge financial losses and his constructions has been stopped due to said acts of the respondents' staff. It is further submitted that many machinery / labour were deputed over the site and due to delay in works the rent and labour charges are being charged on daily basis and the petitioner has been facing the same without any fault on his part.

That there is a grave urgency in the matter as the respondent No. .9 2 & 3 are silent and are not allowing the petitioner for raising the construction of the building and also failed to point out any violations and irregular construction under the Approval Plan.

That no other suit or petition is filed by the petitioner on the .10
above subject Matter.

That it is evident by the record that the petitioner is entitled for .11
relief but it has been kept in abeyance by the respondent No.3 and
his officials for reasons not known to them and due to misfeasance,
nonfeasance and malfeasance of concerned officials of the
respondents, the petitioner has been ridiculed in the public besides
the fact that he happened to bear heavy financial/ business losses
as such is also entitled for claiming damages from the respondents
jointly and severally for misfeasance, nonfeasance and
malfeasance on part of the concerned officials in addition to any
other legal proceeding.

That the petitioner client is law abiding citizen of Pakistan and .12
has always endeavored to take each and every step in accordance
with law and is not violator of any of the law, Rule and Regulation
of Sindh Building Control Authority in respect of the said property.

That , the petitioner has been aggrieved by the above said acts .13
/ omission of acts of the respondents as mentioned in the memo of
the petition as such has no other adequate, alternate remedy
available under the law, hence this petition on following grounds: -

GROUND

That the fundamental rights guaranteed to the petitioner under the .1
constitution of Pakistan have seriously been infringed by the
respondents.

That the official of respondents are threatening , harassing and .2
blackmailing the petitioner for fulfillment of their sinister design and
causing serious mental agonies, torture and financial crisis as they
are not allowing the petitioner to carry out his constructions works
over the said property.

That further and additional arguments will be advanced at the .3
time of the hearing of this Honorable Court.

PRAYER

It is therefore, most respectfully prayed on behalf of the petitioner
above named that this Honorable Court may be pleased:

To direct the respondent No. 3 to fulfill the statutory duty and to act .a
in accordance with law with the petitioner .

To restrain the Respondents and their employees, officers, .b
servants, agents, assigns and/or any other person acting on their
behalf and/or under their control/ guidance from harassing,
blackmailing the petitioner and not allowing the petitioner to raise
constructions over his plot of land i.e. **Plot NoKarachi,**
admeasuring 906.66 square yards,, in any manner or capacity
whatsoever.

Award cost of the petition. .c

Any other relief which this Honorable Court may deem fit and .d
proper in the circumstances of the case.

Karachi

Petitioner

Dated

Advocate for the Petitioner

VERIFICATION

I, SSR , Muslim, adult, resident of Karachi, the petitioner in the
above case, do hereby verify on oath the whatever stated
hereinabove in paragraphs to be true and correct to the best of my
knowledge, belief, information and legal advise received by me which
I verily to be true and correct.

Karachi:

Deponent

Dated:

Annexure P/1 to Annexure P/ : Documents filed

Entire documents of all the entire properties Documents relied upon:
lying with the possession of defendants and
other documents from the government and
Semi government Departments.

As per title.

Address of the Petitioner:

**IN THE HIGH COURT OF SINDH AT KARACHI
(Writ Jurisdiction)**

C.P. No. / 2023

Petitioner

SSR

VERSUS

Respondents

Province of Sindh & Others

AFFIDAVIT

I, SSR , Muslim, adult, resident of Karachi, do hereby state on Oath
affirmation as under:-

That I am petitioner as well as deponent of this affidavit, as such .1
am fully conversant with the facts.

That the accompanying Constitutional Petition is drafted under .2
our specific instructions, contents whereof are true and correct
to the best of our knowledge and may be treated as part and
parcel of this affidavit for the sake of brevity.

That neither I have made any false statement nor has .3
concealed any fact from this Hon'ble Court.

That whatsoever has been stated above is true and correct to .4
the best of my knowledge and belief.

Karachi

Deponent

Dated: -05-2023

**IN THE HIGH COURT OF SINDH AT KARACHI
(Writ Jurisdiction)**

C.P. No. / 2023

Petitioner

SSR

VERSUS

Respondents

Province of Sindh & Others

APPLICATION FOR EXEMPTION

For the reasons disclosed in the accompanying affidavit, it is respectfully prayed on behalf of the abovenamed petitioner that this Hon'ble Court may be pleased to allow him to produce Photocopies of the annexures.

This prayer is made in the larger interest of justice.

Karachi:

Advocate for the Petitioner.

Dated:

**IN THE HIGH COURT OF SINDH AT KARACHI
(Writ Jurisdiction)**

C.P. No. / 2023

Petitioner

SSR

VERSUS

Respondents

Province of Sindh & Others

AFFIDAVIT

I, SSR , Muslim, adult, resident of Karachi, do hereby state on Oath
affirmation as under:-

That I am petitioner as well as deponent of this affidavit, as such .1
am fully conversant with the facts.

That the accompanying application for exemption has been drafted .2
and filed under my instructions and the contents whereof may be
treated part and parcel of this affidavit for the sake of brevity.

That unless the accompanying application is allowed, I as well as .3
petitioner shall be seriously prejudiced and suffers irreparable
losses.

That whatever has been stated above is true and correct. 4.

Karachi

DEPONENT

Dated:

IN THE HIGH COURT OF SINDH AT KARACHI
(Writ Jurisdiction)

C.P. No. / 2023

Petitioner

SSR

VERSUS

Respondents

Province of Sindh & Others

APPLICATION U/O 9, CHAPTER 3-A, VOLUME-5,
HIGH COURT RULES AND ORDER.

It is respectfully submitted on behalf of the petitioner abovenamed that this Hon'ble Court may be pleased to take up the above matter as an urgent motion and place the same in the Court or in the chamber on or before _____ in view of the urgency of the matter.

The prayer is made in the larger interest of justice.

Karachi:

Advocate for the Petitioner

Dated: -05-2023

For immediate use in Court
on behalf of the petitioner.

**IN THE HIGH COURT OF SINDH AT KARACHI
(Writ Jurisdiction)**

C.P. No. / 2023

Petitioner

SSR

VERSUS

Respondents

Province of Sindh & Others

AFFIDAVIT

I, SSR , Muslim, adult, resident of Karachi, do hereby state on Oath
affirmation as under:-

That I am petitioner as well as deponent of this affidavit, as such .1
am fully conversant with the facts.

That the accompanying Urgent application has drafted and filed .2
under my specific instructions, the contents whereof are true and
correct to the best of my knowledge and may be treated as part
and parcel of this affidavit.

That I say that unless the accompanying application is granted .3
the petitioner shall be seriously suffer and irreparable losses.

That whatever stated above is true and correct to the best of my .4
knowledge and belief.

IN THE HIGH COURT OF SINDH AT KARACHI
(Writ Jurisdiction)

C.P. No. / 2023

Petitioner

SSR

VERSUS

Respondents

Province of Sindh & Others

**APPLICATION UNDER ARTICLE 199(4) OF THE CONSTITUTION
OF PAKISTAN READ WITH ORDER XXXIX RULE 1 & 2 CPC**

It is prayed on behalf of the Petitioner that this Honorable Court may be pleased to restrain the Respondents and their employees, officers, servants, agents, assigns and/or any other person acting on their behalf and/or under their control/ guidance from harassing, blackmailing the petitioner and not allowing the petitioner to raise constructions over his plot of land i.e. **Plot No Karachi, admeasuring 906.66 square yards,,** in any manner or capacity whatsoever till the final decision of the Hon'ble Court in this regard.

Ad-interim injunction is also solicited.

This application is prayed in the interest of justice.

Advocate for the Petitioner

Karachi
Dated

**IN THE HIGH COURT OF SINDH AT KARACHI
(Writ Jurisdiction)**

C.P. No. / 2023

Petitioner

SSR

VERSUS

Respondents

Province of Sindh & Others

**AFFIDAVIT IN SUPPORT OF APPLICATION UNDER ARTICLE
199(4) OF THE CONSTITUTION OF PAKISTAN READ WITH
ORDER XXXIX RULE 1 & 2 CPC**

I, SSR , Muslim, adult, resident of Karachi, do hereby state on Oath
affirmation as under:-

That I am the Petitioner in the above referred case and as such, .1
am fully conversant with the facts of this case.

That I state that the accompanying application Under Article 199 .2
(4) of the constitution of Pakistan read with Order XXXIX, Rules 1
& 2 C.P.C has been drafted and filed under my specific instructions
and for the sake of brevity, it is requested that the contents of the
same as well as main petition may be treated as part and parcel of
this affidavit.

That unless the accompanying application for interim injunction is .3
allowed as prayed I shall be seriously prejudiced and shall suffer
irreparable loss.

That whatever is stated above; is true and correct to the best of my .4
knowledge, belief and information.

Karachi.

Deponent Dated

**IN THE HIGH COURT OF SINDH AT KARACHI
(Writ Jurisdiction)**

C.P. No. / 2023

Petitioner

SSR

VERSUS

Respondents

Province of Sindh & Others

CERTIFICATE

This is certify that this is first petition on the subject being filed before this Honorable Court by the petitioner and the petitioner has nor filed any other petition in any court of law including the Supreme Court of Pakistan on the above subject neither any revision/ appeal is pending in any court of law.

Karachi

Advocate for the Petitioner

Dated

1. MU / Plaintiff 1 son of AS
Muslim, adult , Karachi.

2. MI / Plaintiff 2 son of AS
Muslim, adult , Karachi.

3. AK / Plaintiff 3 son of SH
Muslim, adult , Karachi.

4. NU / Plaintiff 4 son of JS
Muslim, adult, Karachi.
Petitioners

VERSUS

1. Chief Controller
Sindh Building Control Authority,
Karachi.

2. Builders & developers
Having office at
Karachi.

3. Province of Sindh
Through Home Secretariat
, Karachi Respondents

**CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973**

That the petitioners abovenamed respectfully beg to
submit as under:-

1. That the petitioners are edified, respectable and law
abiding citizens of Pakistan and are residing at the
above said addressees since last two years along with
their family members and enjoy good reputation among
their friends and general public as well

2. That the petitioner No.1 purchased one flat situated at 4th floor Type B Front 4 Rooms Apartment, situated at Plot Number Karachi from Builders and Developers (Respondent No.2) vide agreement of sale dated against total sale consideration of Rs. 65,00,000/-. It is further submitted that after payment of full and final sale consideration of the above said flats, the petitioner No.1 was delivered with possession along with all other requisite documents by the said Respondent No.2 and since then he is enjoying peaceful possession of the said flat.

(Copies of sale Agreement and approved layout plan are attached herewith and marked as annexure P/ to P/)

3. That the petitioner No.2 purchased one flat situated at 4th floor Type A Front 4 Rooms Apartment, situated at Plot Number Karachi from Respondent No.2 vide agreement of sale dated against total sale consideration of Rs. 70,00,000/-. It is further submitted that after payment of full and final sale consideration of the above said flats, the petitioner No.1 was delivered with possession along with all other requisite documents by the said M/s Builders and Developers (Respondent No.2) and since then he is enjoying peaceful possession of the said flat.

(Copies of sale Agreement and approved layout plan are attached herewith and marked as annexure P/ to P/)

4. That the petitioner No.3 purchased one flat situated at 3rd Floor Type C Back 4 Rooms Apartment, situated at Plot Number Karachi from Builders and Developers (Respondent No.2) vide agreement of sale dated against total sale consideration of Rs. 80,00,000/-. It is further submitted that after payment of full and final sale consideration of the above said flats, the petitioner No.1 was delivered with possession along with all other requisite documents by the said M/s Builders and Developers (Respondent No.2) and since then he is enjoying peaceful possession of the said flat.

(Copies of sale Agreement and approved layout plan are attached herewith and marked as annexure P/ to P/)

5. That the petitioner No.4 purchased one flat situated at 3rd Floor Type A Front 4 Rooms Apartment, situated at Plot Number SC 6, Block D, North Nazimabad Karachi from Builders and Developers vide agreement of sale dated against total sale consideration of Rs. 81,00,000/-. It is further submitted that after payment of full and final sale consideration of the above said flats, the petitioner No.1 was delivered with possession along with all other requisite documents by the said M/s Builders and Developers (Respondent No.2) and since then he is enjoying peaceful possession of the said flat.

(Copies of sale Agreement and approved layout plan are attached herewith and marked as annexure P/ to P/)

6. That the respondent No.2 has already applied before the respondent No.1 for completion certificate and the same fact was apprised to the petitioners at the time of purchase of the said flats.
7. That it is humbly submitted that on, the officials of the respondent No.1 visited the above said building along with demolishing materials and heavy machineries where the petitioners along with other occupants are living along with their families. It is further submitted that the said officials respondent directed the inhabitants to vacate the said building / flats immediately as they have instructions from the respondent No.1 to demolish the said building as the same has been constructed without approved layout plan and in violation of rules and regulations made by the respondents and unless they are not vacated the same, their building will be demolished along with their belongings and they will not be responsible for the same.
8. That the petitioners have raised objections / voices against the said persons and have approached the respondent No.1 time and again and requested them to refrain from demolishing the said building as they lawful occupants and have purchased the said flats after paying huge amount of sale consideration and have not violated any of law but they have given no

heed to the said requests of the petitioners and they are having serious apprehension for any illegal and unlawful actions from their hands to cause damages to their houses.

9. That the petitioners are law abiding citizen of Pakistan and have always endeavored to take each and every step-in accordance with law and is not violator of any of the law, Rule and Regulation of KMC or Sindh Building Control Authority in respect of their properties.

10. That , the petitioners have been aggrieved by the above said acts / omission of acts of the respondents as mentioned in the memo of the petition as such has no other adequate, alternate remedy available under the law, hence this petition on following grounds: -

GROUND

1. That, the petitioners have the right to be treated in accordance with Article 4 of the Islamic Republic of Pakistan 1973.

2. That the act of the respondents is contrary to law.

3. That the petitioners are living in the above said flats along with their families for the last one year and have paid a huge sale consideration against the said sale and in case they are forced to vacate they shall suffer huge monetary losses which cannot be compensated in terms of money.

4. That the respondent No.2 showed approved layout plan and site plan by the respondent No.1 and also give full assurance that the said flats are free from all loss, encumbrances and litigation and no violation of SBCA, or any authority has been made while making construction upon the said plot.

5. That no violation has been made and the said building is only constructed upto four floor which is allowed as per law and further the said respondent no.1 has already issued approved layout plans in respect of the said building.

6. **That** the fundamental rights of petitioners as envisaged in **constitution of Islamic republic of Pakistan 1973** have also been infringed.

7. **That** the petitioners crave to take any other grounds with the kind permission of this Honorable Court.

PRAYER

In view of above said conspectus of facts, it is earnestly supplicated that this Honorable Court may graciously be pleased to pass appropriate order as under: -

(a) To Direct the respondent No.1 and its official, men, agent, employees and subordinate or any person to

refrain from demolishing and visiting the said building i.e., Front 4 Rooms Apartment, situated at Plot Number Karachi wherein the flats of the petitioners are situated.

- (b) To restrain the Respondents and their employees, officers, servants, agents, assigns and/or any other person acting on their behalf and/or under their control/ guidance from harassing, blackmailing the petitioners and raising illegal objection / demolishing the plot of land i.e., Front 4 Rooms Apartment, situated at Plot Number Karachi wherein the flats of the petitioners are situated.
- (c) Any appropriate order for enforcement of fundamental rights of the petitioner.
- (d) Any other relief which this Honorable Court may deem fit and proper under the circumstances of the case.
- (e) Cost of the petition.

Prayer is made in the interest of Justice.

Petitioner No.1

Petitioner No.2

Petitioner No.3

Petitioner No.4

Karachi

Dated _____ Advocate _____ for
Petitioners

VERIFICATION

We, (1) MU / Plaintiff 1 son of AS, (2) MI / Plaintiff 2 son of AS , (3) AK / Plaintiff 3 son of SH and (4) NU / Plaintiff 4 son of JS, Muslims, Adults, resident of Karachi, the petitioners above named in the above titled petitioner, R/o Karachi, do hereby and state on this ____ day of, at Karachi on Oath and verify the contents of the above paras, say the same are true to the best of my knowledge and belief.

Karachi:

Dated: _____ DEPONENT
NO.1

DEPONENT NO.2 DEPONENT NO.3

DEPONENT NO.4

DOCUMENT FILED: Photocopies of
Annexures

DOCUMENTS RELIED UPON: Originals of the
above and many other relevant
documents etc.

ADDRESS OF THE PARTIES: As in the title.

ADDRESS FOR SERVICE OF
PETITIONER’S COUNSEL: As in Vakalatnama.

**IN THE HIGH COURT OF SINDH AT KARACHI
(Writ Jurisdiction)**

C.P. No. / 2023

MU / Plaintiff 1 & Others
Petitioners

VERSUS

Chief Controller SBCA & Others
Respondents

AFFIDAVIT

I, MU / Plaintiff 1 son of AS, Muslim, Adult, resident of
Karachi, do hereby state on Oath affirmation as under:-

1. That I am the Petitioner No.1 in the above referred
case and as such, am fully conversant with the facts
of this case.
2. That the accompanying Constitutional Petition is
drafted under my specific instructions, contents
whereof are true and correct to the best of our
knowledge and may be treated as part and parcel of
this affidavit for the sake of brevity.
3. That neither I have made any false statement nor has
concealed any fact from this Hon'ble Court.
4. That whatsoever has been stated above is true and
correct to the best of my knowledge and belief.

Karachi

Dated: -11-2023

Deponent

**IN THE HIGH COURT OF SINDH AT KARACHI
(Writ Jurisdiction)**

C.P. No. / 2023

MU / Plaintiff 1 & Others
Petitioners

VERSUS

Chief Controller SBCA & Others
Respondents

AFFIDAVIT

I, MI / Plaintiff 2 son of AS, Muslim, Adult, resident of Karachi, do hereby state on Oath affirmation as under:-

1. That I am the Petitioner No.2 in the above referred case and as such, am fully conversant with the facts of this case.
2. That the accompanying Constitutional Petition is drafted under my specific instructions, contents whereof are true and correct to the best of our knowledge and may be treated as part and parcel of this affidavit for the sake of brevity.
3. That neither I have made any false statement nor has concealed any fact from this Hon'ble Court.
4. That whatsoever has been stated above is true and correct to the best of my knowledge and belief.

Karachi

Dated:

Deponent

**IN THE HIGH COURT OF SINDH AT KARACHI
(Writ Jurisdiction)**

C.P. No. / 2023

MU / Plaintiff 1 & Others
Petitioners

VERSUS

Chief Controller SBCA & Others
Respondents

AFFIDAVIT

I, AK / Plaintiff 3 son of SH, Muslim, Adult, resident of Karachi, do hereby state on Oath affirmation as under:-

1. That I am the Petitioner No.3 in the above referred case and as such, am fully conversant with the facts of this case.
2. That the accompanying Constitutional Petition is drafted under my specific instructions, contents whereof are true and correct to the best of our knowledge and may be treated as part and parcel of this affidavit for the sake of brevity.
3. That neither I have made any false statement nor has concealed any fact from this Hon'ble Court.
4. That whatsoever has been stated above is true and correct to the best of my knowledge and belief.

Karachi

Dated:

Deponent

**IN THE HIGH COURT OF SINDH AT KARACHI
(Writ Jurisdiction)**

C.P. No. / 2023

MU / Plaintiff 1 & Others
Petitioners

VERSUS

Chief Controller SBCA & Others
Respondents

AFFIDAVIT

I, NU / Plaintiff 4 son of JS, Muslim, Adult, resident of Karachi, do hereby state on Oath affirmation as under:-

1. That I am the Petitioner No.4 in the above referred case and as such, am fully conversant with the facts of this case.
2. That the accompanying Constitutional Petition is drafted under my specific instructions, contents whereof are true and correct to the best of our knowledge and may be treated as part and parcel of this affidavit for the sake of brevity.
3. That neither I have made any false statement nor has concealed any fact from this Hon'ble Court.
4. That whatsoever has been stated above is true and correct to the best of my knowledge and belief.

Karachi

Dated:

Deponent

**IN THE HIGH COURT OF SINDH AT KARACHI
(Writ Jurisdiction)**

C.P. No. / 2023

MU / Plaintiff 1 & Others
Petitioners

VERSUS

Chief Controller SBCA & Others
Respondents

APPLICATION FOR EXEMPTION

For the reasons disclosed in the accompanying affidavit, it is respectfully prayed on behalf of the abovenamed petitioners that this Hon'ble Court may be pleased to allow him to produce Photocopies of the annexures.

This prayer is made in the larger interest of justice.

Karachi:

Dated: -11-2023
Petitioners.

Advocate for the

**IN THE HIGH COURT OF SINDH AT KARACHI
(Writ Jurisdiction)**

C.P. No. / 2023

MU / Plaintiff 1 & Others
Petitioners

VERSUS

Chief Controller SBCA & Others
Respondents

AFFIDAVIT

I, MU / Plaintiff 1 son of AS, Muslim, Adult, resident of Karachi, do hereby state on Oath affirmation as under:-

1. That I am the Petitioner No.1 in the above referred case and as such, am fully conversant with the facts of this case.
2. That the accompanying application for exemption has been drafted and filed under my instructions and the contents whereof may be treated part and parcel of this affidavit for the sake of brevity.
3. That unless the accompanying application is allowed, I as well as petitioner shall be seriously prejudiced and suffers irreparable losses.
4. That whatever has been stated above is true and correct.

Karachi

Dated:

DEPONENT

**IN THE HIGH COURT OF SINDH AT KARACHI
(Writ Jurisdiction)**

C.P. No. / 2023

MU / Plaintiff 1 & Others
Petitioners

VERSUS

Chief Controller SBCA & Others
Respondents

**APPLICATION U/O 9, CHAPTER 3-A, VOLUME-5,
HIGH COURT RULES AND ORDER.**

It is respectfully submitted on behalf of the petitioners abovenamed that this Hon'ble Court may be pleased to take up the above matter as an urgent motion and place the same in the Court or in the chamber on or before _____ in view of the urgency of the matter.

The prayer is made in the larger interest of justice.

Karachi:

Dated: -11-2023

AdvocateforthePetitioners

For immediate use in
Court
on behalf of the
petitioners.

**IN THE HIGH COURT OF SINDH AT KARACHI
(Writ Jurisdiction)**

C.P. No. / 2023

MU / Plaintiff 1 & Others
Petitioners

VERSUS

Chief Controller SBCA & Others
Respondents

AFFIDAVIT

I, MU / Plaintiff 1 son of AS, Muslim, Adult, resident of
Karachi, do hereby state on Oath affirmation as under:-

5. That I am the Petitioner No.1 in the above referred case
and as such, am fully conversant with the facts of this
case.
6. That the accompanying Urgent application has drafted
and filed under my specific instructions, the contents
whereof are true and correct to the best of my
knowledge and may be treated as part and parcel of this
affidavit.
7. That I say that unless the accompanying application is
granted the petitioner shall be seriously suffer and
irreparable losses.

8. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi

Dated: Deponent

**IN THE HIGH COURT OF SINDH AT KARACHI
(Writ Jurisdiction)**

C.P. No. / 2023

MU / Plaintiff 1 & Others
Petitioners

VERSUS

Chief Controller SBCA & Others
Respondents

**APPLICATION UNDER ARTICLE 199(4) OF THE
CONSTITUTION OF PAKISTAN READ WITH ORDER
XXXIX RULE 1 & 2 CPC**

It is prayed on behalf of the Petitioners that this Honorable Court may be pleased to restrain the Respondents and their employees, officers, servants, agents, assigns and/or any other person acting on their behalf and/or under their control/ guidance from harassing, blackmailing the petitioners and raising objection / demolishing construction i.e. Front 4 Rooms Apartment, situated at Karachi in any manner whatsoever till the final decision of the Hon'ble Court in this regard.

Ad-interim injunction is also solicited.

This application is prayed in the interest of justice.

Karachi
Dated
Petitioners

Advocate for the

**IN THE HIGH COURT OF SINDH AT KARACHI
(Writ Jurisdiction)**

C.P. No. / 2023

MU / Plaintiff 1 & Others
Petitioners

VERSUS

Chief Controller SBCA & Others
Respondents

**AFFIDAVIT IN SUPPORT OF APPLICATION UNDER ARTICLE
199(4) OF THE CONSTITUTION OF PAKISTAN READ WITH
ORDER XXXIX RULE 1 & 2 CPC**

I, MU / Plaintiff 1 son of AS, Muslim, Adult, resident of Karachi, do hereby state on Oath affirmation as under:-

1. That I am the Petitioner No.1 in the above referred case and as such, am fully conversant with the facts of this case.
2. That I state that the accompanying application Under Article 199 (4) of the constitution of Pakistan read with Order XXXIX, Rules 1 & 2 C.P.C has been drafted and filed under my specific instructions and for the sake of brevity, it is requested that the contents of the same as well as main petition may be treated as part and parcel of this affidavit.
3. That unless the accompanying application for interim injunction is allowed as prayed, I shall be seriously prejudiced and shall suffer irreparable loss.

4. That whatever is stated above; is true and correct to the best of my knowledge, belief and information.

Karachi.

Dated _____ Deponent

**IN THE HIGH COURT OF SINDH AT KARACHI
(Writ Jurisdiction)**

C.P. No. _____ / 2023

MU / Plaintiff 1 & Others
Petitioners

VERSUS

Chief Controller SBCA & Others
Respondents

CERTIFICATE

This is certify that this is first petition on the subject being filed before this Honorable Court by the petitioners and the petitioners have nor filed any other petition in any court of law including the Supreme Court of Pakistan on the above subject neither any revision/ appeal is pending in any court of law.

Karachi

Dated _____ Advocate for the
Petitioners

1. Mst ZFK / Plaintiff 1

2. MFK / Plaintiff 2

Both Muslims, Adults, Karachi

Through their attorney

MR, Karachi

Applicants

VERSUS

1. AM son of PM

Muslim, adult, resident

2. AM s/o AM

3. Mst NO D/o PM

4. AW s/o H

5. K s/o H

6. Mst MT d/o H

7. Mst KH d/o H

8. Mst. P d/o H

9. AG s/oDP

10. SH s/oDP

11. AN s/oDP

12. MSO s/oDP

13. Mst SG d/oDP

14. Mst RB d/oDP

15. Mst NB d/oDP

16. SO d/oDP

All resident Karachi

17. Sub Registrar,

Karachi

18. Assistant Commissioner

Karachi

19. Mukhtiarkar
Karachi

20. Learned 1st Senior Civil Judge,
, at Karachi

Respondents

REVISIONAL APPLICATION
UNDER SECTION 115 C.P.C.

Being aggrieved and dissatisfied with the Order dated by the learned 1st Senior Civil Judge, at Karachi, (respondent No.18) in Civil Suit No., (AM Vs Mst Z & Other) whereby the learned Judge was pleased to dismiss the application under section 12(2) CPC, filed by the Applicants against judgment and decree dated respectively. The Applicants prefer this Application on the following facts and grounds amongst others :-

FACTS

1. That the facts of the case are that the plaintiff is real owner of the survey land having survey No.24, measuring 10-Acres and 26 Ghuntaz from total area of 21 acres and 12 Ghuntas, survey No.25, measuring 02-Acres and 44 Ghuntas from total area 04-Acres and 09 Ghuntas, and survey No.28, measuring 39-Ghuntas and 20 walls from total area 14 acres and 29 ghuntas situated at Karachi. Thus total area 13 Acres 394, Ghuntas comes in the ownership of plaintiff from above survey numbers. The land was actually purchased by the plaintiff's grandfather namely IS s/o H on vide Entry No.7. The land was purchased on 50% share from Survey No.24, (21-12), 50% share from survey No. 28 (14-29) situated at

Karachi. After death of plaintiff's grandfather on was changed vide entry No.35, in the name of his legal heirs namely (1) DD s/o IS (2) AB s/o IS. That AB s/o IS was died, he leaving behind one legal heir namely DD s/o IS who was his brother. The Fotikhata was kept in his brother's name DD s/o IS vide entry No.36. Thus he becomes owners of the land of his father measuring 17 acres 26 Ghuntas. That DD was also died he left behind his legal heir namely DM. That DM also died on, in the name of legal heir namely PM son of DD vide entry No.37. That DM also died leaving behind 02 sons namely PM son of DM and DD s/o DM, on dated. Fotikhata was changed in the names of his legal heirs namely PM S/o DM and DD s/o DM vide Entry No.38. That after PM S/o DM was alas died he left behind 03 legal heirs namely (i) H S/o PM (ii) NO d/o PM and (iii) AM s/o PM. On, Foti Khata was changed in name of his legal heirs vide Entry No.39. Thus they became owner of 08 acres 33 Ghuntas from survey No.24, 25, and 28. After that Mr NS s/o PM was died leaving behind 05 legal heirs namely (1) AW s/o H (2) K s/o H (3) KH d/o H (4) P d/o H and (5) MT d/o H. On dated Fotikhata was changed in the names of his legal heirs above mentioned vide entry No.41, thus they became the owner of 03 acres 21 Ghuntas from survey Nos.25, 26, and 28. After that DP s/o DD was also died leaving behind 08 legal heirs namely (1) AG (2) Sharif (3) AN (4) MSO (5) SG (6) Raza Bibi (7) NB and (8) Sona, all sons and daughters of DP. On dated 26.09.2014, the Foti Khata was changed in the names his legal heirs above mentioned vide entry No.42. Thus they became the owner of 08 acres 33 ½ Ghuntas. On, the above said respondents from serial No.3 to 16

made a sale agreement through their special power of attorney respondent No.2 with the plaintiff to sale their respective shares from survey No.24 & 25 of Karachi against total sale consideration Rs.390,000/- and the possession was already with the plaintiff and at the same name date of agreement part payment of sale consideration was given to the respondents through their attorney respondent No.2. It is very important to mention here that it was decided between the attorney of respondents No.2 to 16 and plaintiff in the agreement that when plaintiff will pay the remaining amount of sale agreement, the attorney of the respondents will get the sale agreement registered. On, the respondent No.2, to 16 presented General power of attorney before respondent No.[Sub-Registrar Gadap Town) vide No. between 03 to 04 pm and microfilming fees Rs.400/- was also paid vide receipt No dated, then after the fulfilling all the conditions for registration of general power of attorney the same was registered on dated, vide No. 60 book No.12, and microfilming made on dated. It is very important to mention her that at the time of presenting the General power of attorney whole legal heirs were present at the office of respondent No.10, (Sub-Registrar) and all respondents from S.No.2 to 16 fixed their signatures and thumb Impression on the General Power of attorney and they have the consent before the sub-registrar. After that above said respondents from serial 3, to 16 through the power of attorney respondent No.2, got registered the sale deed. On, in the name of respondent No 1, which was presented dated and was registered on dated, vide registration No.before respondent No.17, (Sub-Registrar Gadap) and Microfilming was made on, vide M.F

Roll No.. That after respondent No.1 enquired about the matter and came to know that appellant No.2, got the sale deed registered fraudulently, with misrepresentation and thereafter got the above said land entered in their names in the record of rights with collusion of respondents No.17, 18 & 19. That appellant No.1, got registered a sale deed on dated, and from the perusal of the sale deed dated, that it is mentioned that the appellant No.1, purchased said land from respondent No.2, to 16 and as well as, from respondent No.1 of their respective shares but prior to this the respondent No.3, to 16 on dated gave general power of attorney on to the respondent No.2, of their above said land. After that on dated respondent No.2, sold out the land to the respondent No.1 against total consideration sale of Rs.790,000/- and respondent No.1 paid respondent No.03 to 16 through respondent No.2, (General power of attorney). Moreover it was decided between the respondent No.2, and the plaintiff that when plaintiff will pay remaining amount, the respondent No.3, to 16 will get the land registered through their general power of attorney. On the same date the possession of above said land was given to the respondent No.1. On, respondent No.2, to 16 presented general power of attorney before respondent No.17, (sub-Registrar) for registration and power was registered on, vide registration No.66 Book N.12, and M.F Roll No. The respondent No.2, got registered the sale deed in the favour of respondent No.1 and the same was presented before respondent No.17, on dated vide entry No.814, and same was kept adjourn for want of verification and Town Tax. After verification NOC for sale vide letter No. Karachi, dated, same

was registered on The applicant No.2 got registered sale deed in his wife's name fraudulently and misrepresentation with collusion of respondents No.17, 18 & 19. From the perusal of registered sale agreement which was executed by respondent No.2 to 16 and as well as by the respondent No.1 on in respect of their shares and presented on before respondent No.15 (Sub-Registrar and kept adjourn till. Moreover it is very important to mention here that applicant No.1's admission was recorded by the respondent No.18 on , and then on dated and sale deed was registered vide Register No. M.P Koll No, dated. After verification letter No. of dated. Then respondent No.20, kept entry No.73 on dated applicant No.1's name. The respondent No.19 has sent fake verification letter No. dated concealing the fact that NOC was issued in favour of attorney (respondent No.2) of the respondent No.3 to 16 on dated The applicant No.2, got the sale deed registered of open agricultural land admeasuring 12 acres 04 ghuntas and 55 walls from survey No.24 & 25 Karachi fraudulently, misrepresentation and with collusion of respondent No. 17, 18 & 19. That the respondent NO.1 went on dated to the respondent No.17, alongwith respondent No.2, to 16 for selling the survey No.28, of Karachi and the respondent No.17, gut their thumb impression and signatures upon many documents. It is very important to mention here that to vendor for paying remaining amount of sale deed when it will be registered but vendee did not payment in respect of survey No.28. The NOC for sale was sued in favour of AM who is attorney of respondents No.3, to 16 Once the power of Attorney registered in the name of respondent No.2, the respondent No.3, to 16 cannot

sale the property without prior to cancellation of general power of attorney of respondent No.2. Hence the respondent No.1 prays as follows:

- a) To declare that the respondent No.1 is lawful and real owner of the property and declare the registered sale deed dated is genuine and registered sale deed of applicant No.1 of dated
- b) To direct the respondent No.17 to cancel the registered sale deed of applicant No.1, of dated, which was taken fraudulently?
- c) To direct the respondent No.19 to cancel the entry No.73 dated of applicant No.1, from the record of rights which was taken fraudulently.
- d) To direct the respondent No.19 not to issue any NOC for sale of the disputed property to the applicant No.1 & 2 or any person regarding the survey No.24 & 25 till the final decision of instant suit.
- e) To restrain the applicant No.1 to 2 their agents, companions, assignees, representatives, acting their behalf, attorney not to take any coercive action and not to make hindrance to the plaintiff and not to make take possession without due course of law.
- f) Any other relief or relieve which this Honorable Court may deem fit and proper.
- g) Cost of the suit.

(Copy of plaint along with annexure is filed herewith and marked as annexure A/)

2. The respondents No.2 to 16 submitted their statement, in the plaint, while admitting the facts averred in the plaint. They did not oppose the submission given in plaint. Their statement is almost

based on admission. However, applicant No.1,2 and respondent No. 3 & 6 have not seen to be interested to contest the case' as they did not file their written statement though they were served. They were, therefore debarred from filing the written statements.

3. That since the applicant No.1 and 2 was not duly served through any mode of services and as such they could not appear before the learned trial court and filed their written statement in rebuttal of the claim of the respondent No.1.
4. That upon known the facts regarding the above said filing of suit and passing of exparte- against in favour of respondent No.1 and against the applicant No.1 and 2 as exparte, the applicant No.1 and 2 through their attorney filed an application under section 12(2) CPC on for seeking setting aside judgment an decree dated respectively in above suit No.. Notice of the application was extended to respondent No.1 and counter affidavit was filed by the respondent No.1.
5. That the applicants stated true and correct facts in the above application and stated that the learned trial court did not advert to this very fact that prior to the registration of General Power of Attorney dated/ Microfilming dated, in favour of respondent No.2 from respondent No.3-16 and then the Sale Deed dated / Microfilming dated in favour of the respondent No.1 / plaintiff of the suit from defendant No.2, valued at Rs.3,90,000/-, **the applicant No.1 has already got registered Sale dated/Microfilming dated, valued Sale Rs.500,000/- of open Agricultural Survey**

Land area = 12-04-55 Acres from Survey Nos. 24= (21-12) & 25= (04-09) i, Karachi in her favour transparently and since the said respondents have no right , title or authority in their favour in respect of the suit property for registration of General Power of Attorney dated/Microfilming dated in favour of the respondent No.2 from respondent No. 3 to 16 and consequently registration of sale deed by the respondent No.2 dated/ Microfilming dated in favour of the respondent No. 1 has no worth and value in the eye of law as he has no lawful power/ authority to transfer the same as his General Power of Attorney on the basis of which he registered is already defective one.

6. It is further submitted that no ***Vakalatnama*** was filed from the side of defendant No.1 and 2 and as per judgment they both were barred from filing written statements and exparte judgment was passed against them as the applicants were not been duly served as such the above said judgment / decree was passed against them, which is illegal and unlawful and is liable to be set aside and without participation of the applicants in the trial of the above suit. Further, the misjoinder of the party/applicant No.2 who have no concern with this case. And it is pertinent to mention here that the vital respondent No. 2 is the real son of the respondent No.1.
7. To not to peruse the appended documents properly and without getting the minutes from the Sub-Registrar concerned/ respondent No. 17 and defendant No.19/ Mukhtyarkar Gadap Town, Malir, Karachi the final judgment which is absolutely missing in the

present case rendering the judgment and decree as nullity in the eyes of law and it is a misrepresentation of the facts committed by the Court itself as certain duties are casted upon the court and no one should be suffered on account of errors and omissions on the part of the Court, and it is the Cardinal Principal of Administration of justice.

8. That in this view of the matter, despite of the fact that no appeal is preferred upon the judgment and decree of this Hon'ble Court dated that this Hon'ble Court may be pleased to set aside and recall its judgment and decree and at the first instance be pleased to consider the planning of the plaintiff which he made in the manner that first with the aid of the defendants No.2 to 16 filed this captioned suit and then got the collusive & Consent Decree' in his own favour. No notice ever has been served over Applicants.

9. Respondents committed fraud and serious misrepresentation and if this Hon'ble Court may not judge these factors and failure to do so shall render the judgment as ineffective, inoperative and of no consequences or affect whatsoever, as it is the abundant duty of the Hon'ble Court itself to apply its judicial mind to the facts and circumstances of the case. **HENCE THIS REVISION APPLICATION ON THE FOLLOWING AMONGST OTHER GROUNDS:**

(Copies of the application under section 12(2) CPC, counter affidavit and rejoinder are filed herewith and marked as annexure A/ to A/)

GROUND

1. That the impugned order dated passed by learned trial court, is illegal, defective, invalid, void, perverse and is against principles of natural justice, thus is liable to be set aside.
2. That the Honorable Court has passed the order in haste and has ignored the contention of Applicants.
3. That it is well settled principle of law that no one could be suffered from the acts of the other and condemn unheard due to misdeed / negligence of other as in this case, the applicants have suffered due to not properly pursued their matter and their fundamental and proprietary rights have been infringed and interference of this Honorable Court is very much inevitable for just decision of the case.
4. It is settled principle of law that no one should be condemned unheard, such harsh orders for cancelling the sale deed of the applicants which serious prejudice the right of the applicants, in this regard, it is pertinent to mention that where the personal rights of a party are involved, then they must be given an opportunity to explain their position and hence, the exercise done by the learned trial Judge is beyond the scope of Article 199 of the Constitution and is of no consequence whatsoever as it is practically impossible for the applicants to meet or a heavy magnitude and hence are still resorting to the jurisdiction of the court and knocking the doors of justice for the redressal of their grievances.

5. That it is well settled law that the matter may be decided on merit instead of knocking down on the basis of technicalities and unless the impugned order is dismissed the applicants shall suffer irreparable loss for loss of their long life saving earnings and shall also deprived them from their owned land being only shelter for their families.
6. That the learned trial court has failed to consider that the respondents have concealed the real facts and not come to court with clean hands and as such the respondents are not entitled for any relief from the court. Under the said circumstances, the learned trial court ought to allow the applicant's application and dismiss the suit.
7. That the learned trial court has failed to consider that the applicant No.1 has already got registered Sale Deed dated /Microfilming dated , valued Sale Rs.500,000/- of open Agricultural Survey Land area = 12-04-55 Acres from Survey Nos. 24= (21-12) & 25= (04-09) in Karachi in her favour transparently and since the said respondents have no right , title or authority in their favour in respect of the suit property for registration of General Power of Attorney dated in favour of the respondent No.2 from respondent No. 3 to 16 and consequently registration of sale deed by the respondent No.2 dated/ Microfilming dated in favour of the respondent No. 1 has no worth and value in the eye of law as he has no lawful power/ authority to transfer the same as his General Power of Attorney defective one.

8. That it is submitted that no ***Vakalatnama*** was filed from the side of defendant No.1 and 2 and as per judgment they both were barred from filing written statements and ex parte judgment was passed against them as the applicants were not been duly served as such the above said judgment / decree was passed against them, which is illegal and unlawful and is liable to be set aside and without participation of the applicants in the trial of the above suit. Further, the misjoinder of the party/applicant No.2 who have no concern with this case. And it is pertinent to mention here that the vital respondent No. 2 is the real son of the respondent No.1.
9. To not to peruse the appended documents properly and without getting the minutes from the Sub-Registrar concerned/ respondent No. 17 and defendant No.19/ Mukhtyarkar Gadap Town, Malir, Karachi the final judgment which is absolutely missing in the present case rendering the above said order and judgment and decree as nullity in the eyes of law and it is a misrepresentation of the facts committed by the Court itself as certain duties are casted upon the court and no one should be suffered on account of errors and omissions on the part of the Court, and it is the Cardinal Principal of Administration of justice.
10. That in this view of the matter, despite of the fact that no appeal is preferred upon the judgment and decree of this Hon'ble Court dated that this Hon'ble Court may be pleased to set aside the impugned order and at the first instance be pleased to consider the planning of the respondent No.1 which he made in the manner that

first with the aid of the defendants No.2 to 16 filed the suit and then got the collusive & Consent Decree' in his own favour. No notice ever has been served over Applicants.

11. That it is humbly submitted respondents committed fraud and serious misrepresentation and if this Hon'ble Court may not judge these factors and failure to do so shall render the judgment as ineffective, inoperative and of no consequences or affect whatsoever, as it is the abundant duty of the Hon'ble Court itself to apply its judicial mind to the facts and circumstances of the case and in the series of the said judgment, the learned trial court has passed the impugned order, which is liable to be set aside.
12. That Applicant craves leave to raise further grounds at the time of hearing.

PRAYER

It is therefore, prayed that this Honorable Court may be pleased to set aside the impugned order dated 27-11-2023 passed by the learned 1st Senior Civil Judge, Malir at Karachi, and keeping in view the principles of natural justice, equity and good conscious.

That any other, further, better or ancillary relief which this court may deem fit and proper under the circumstances of the matter and be pleased to grant the same.

APPLICANT THROUGH ATTORNEY

KARACHI:

ADVOCATE FOR THE APPLCANT
VERIFICATION

I, MR S/o n, Muslim, adult, resident of Karachi, the attorney of the applicants above named, do hereby verify on oath at Karachi on this _____ day of January,, that whatever stated above is true and correct to the best of my knowledge and belief.

(Copy of Power of Attorney is annexed herewith as Annexure A).

DEPONENT

**For immediate use in Court
On behalf of the Applicant**

**IN THE COURT OF DISTRICT AND SESSION JUDGE MALIR AT
KARACHI**

Civil Revision Application No. of 2024

Mst ZFK / Plaintiff 1 & Another Applicants

VERSUS

AM & Others Respondents

AFFIDAVIT IN SUPPORT OF REVISIONAL APPLICATION

I, MR S/o , Muslim, adult, R/o Karachi, duly constituted
Attorney of applicants, do hereby state on oath as under:-

1. That I am deponent of this affidavit and attorney of the applicants
above named as such am fully conversant with the facts of the
matter.
2. That I say that the contents of the accompanying Revisional
Application be treated as forming part of this Affidavit and contents
thereof are true and correct not repeated herein for the sake of
brevity.
3. That in view of the facts and circumstances, the applicant are
seeking the immediate indulgence and interference of this
Honorable Court and pray that this Honorable Court under the
Revisional Jurisdiction to be pleased to call for the legality,
propriety and correctness of the orders impugned, thereby calling
into question the fate of the orders in constitutional side for which
there are judgments that the same shall be sparingly exercised.

4. That I say that until and unless the accompanying Revision Application is granted, as prayed, the applicant shall be seriously prejudiced.

5. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated: _____ January, 2024

DEPONENT

**IN THE COURT OF DISTRICT AND SESSION JUDGE MALIR AT
KARACHI**

Civil Revision Application No. of 2024

Mst ZFK / Plaintiff 1 & Another Applicants

VERSUS

AM & Others

Respondents

**APPLICATION UNDER XXXIX RULES 1
AND 2 C.P.C, R/W SECTION 151 C.P.C**

For the reasons disclosed and grounds stated in the accompanying affidavit it is respectfully prayed on behalf of the Applicant abovenamed that this Honorable Court may graciously be pleased to stay and suspend the operation of impugned order dated and judgment dated and decree dated passed in Civil Suit No. by the respondent No. 20, and execution proceedings in the Court of Learned 1st Senior Civil Judge Malir at Karachi till disposal of this Revision Application at hand.

That since the precious civil rights of the applicants are at stake on account of huge magnitude loss for which under the rules of prudence, **HENCE THIS APPLICATION FOR GRANT OF STAY.**

Ad-Interim Orders in terms of the above prayers are solicited.

This prayer is made in the interest of justice.

Karachi:

Dated: __ January 2024

Advocate for the Applicants

**IN THE COURT OF DISTRICT AND SESSION JUDGE MALIR AT
KARACHI**

Civil Revision Application No. of 2024

Mst ZFK / Plaintiff 1 & Another Applicants

VERSUS

AM & Others Respondents

AFFIDAVIT

I, MR S/o, Muslim, adult, R/o Karachi, duly constituted Attorney of applicants, do hereby state on oath as under:-

1. That I am deponent of this affidavit and attorney of the applicants above named as such am fully conversant with the facts of the matter.
2. That the accompanying application under Order XXXIX Rules 1 and 2, has been prepared under my instructions and for the sake of brevity, its contents as well as the contents of the main Revision Application may be read as part and parcel of this affidavit.
3. That the Applicant has a strong prima facie case and the balance of convenience is also in Applicant's favour.
4. That I say that until and unless the accompanying application is granted, I shall be seriously prejudiced.
5. That whatever stated above and in the accompanying application are true and correct to the best of my knowledge and belief.

DEPONENT

Mst AS
WD/O, MS,
Karachi

Petitioner

MS S/o,
Muslim, adult, Karachi

Deceased

PETITION UNDER SECTION 372
OF THE SUCCESSION ACT

The Petitioner above named begs to submit as under:-

1. That the above named deceased viz: Mr MS S/o, Muslim, adult, resident of Flat No:Karachi District Central.

2. That the said deceased Mr MS S/o, , has expired on 26th at Karachi and lastly resided at above said address in the district of Karachi Central.

(Copy of Death Certificate is filed herewith and marked as annexure A)

3. That the said deceased was Sunny Muslim and at the time of his death, he left behind the following persons as his legal and next of kin. It is further submitted that the below mentioned at serial No. 4 & 5 are daughters of the deceased who are minors.

(Copies of FRC, CNICs and B Form are enclosed herewith and marked as annexure B/1 to B/)

4. That after the death of the said deceased, due and diligent search has been made for his will but none has been found.

5. That the legal heirs have given their consent to the petitioner for obtaining the Succession Certificate. The petitioner is the widow of the deceased and is entitled to a share in the estate of the said deceased.

6. That no application has been made to any court and no grant has been made for Succession Certificate, probate, in respect of the debts, securities or estate of the said deceased and there is no impediment under the law to the grant of the Succession Certificate or validity thereof if it was granted.

7. That the deceased was employee as a Regional Therapy Supply Chain Lead at Pakistan Limited and has some outstanding dues, gratuity and other pensionary benefit against the said authority. The petitioner has approached the said authority for provisioning of the said benefits / due/ gratuity etc. from the said authority but the said authority has directed the petitioner to produce succession certificate from the competent authority for release of the said funds / dues etc from the said Pakistan Limited and further the said company issued a letter dated wherein disclosed that an amount of Rs. 29,865,874/- is payable toward the deceased.

8. That the parents of the deceased are still alive and their particulars are mentioned in para No.3 as they are also surviving legal heirs of the deceased. The petitioner is the widow of the deceased.

9. That the petitioner has truly set forth in annexure "E" hereto the assets / debts in respect of which Succession Certificate is applied for.

10. That the petitioner has applied before NADRA Succession Certificate Facilitation Unit for issuance of Letter of Administration / Succession Certificate in respect of above said accounts / funds / property owned by the deceased, which was returned due to factual

controversies and NADRA authority also issued Decline Certificate in this behalf.

(Copy of Decline Certificate issued by NADRA authority is attached herewith and marked as annexure F)

P R A Y E R

It is therefore prayed that this Honorable Court may graciously be pleased to grant Letter of Administration and Succession Certificate may be granted to the petitioner in respect of the debts, set-forth in annexure "E" filed herewith, alongwith all attending powers towards benefits.

Karachi:

Dated

Petitioner

Advocate for the Petitioner

VERIFICATION

I, Mst AS WD/O, MS, D/O,, Muslim, adult resident of Karachi, the petitioner above named, do hereby verify on oath at Karachi on this _____ day of that the facts stated in the foregoing paragraphs are true to the best of my knowledge and the legal pleas taken are true to the information taken up from my counsel, which I verify believe to be true.

Karachi:

Dated:

PETITIONER/DEPONENT

Documents filed:

Annexure "A" to " "

Address of Service On the Petitioner :

As given in the title.

Address for Service :

**IN THE COURT OF DISTRICT JUDGE AT KARACHI CENTRAL
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2023

Mst AS

Petitioner

MS

Deceased

AFFIDAVIT

I, Mst AS WD/O, MS, D/O,, Muslim, adult resident of Karachi, do hereby state on oath as under:

1. That I am petitioner in the above case as such fully aware about the facts of the case. The accompanying petition has been drafted under my instructions and for the sake of brevity the contents of the same may be treated as a part of this affidavit.
2. That I say that the deceased viz: Mr MS S/o, , Muslim, adult, resident of Flat No: at Karachi District Central.
3. That I say that the said deceased Mr MS S/o, , has expired on at Karachi and lastly resided at above said address in the district of Karachi Central.
4. That I say that the deceased was Sunny Muslim and at the time of death, he left behind the following persons as his legal heirs and next of kin: It is further submitted that the below mentioned at serial No. 4 & 5 are daughters of the deceased who are minors.
5. That I say that after the death of the said deceased, due and diligent search has been made for his will but none has been found.

6. That I say that the legal heirs have given their consent to me for obtaining the Succession Certificate. I am the widow of the deceased and am entitled to a share in the estate of the said deceased.

7. That I say that no application has been made to any court and no grant has been made for Succession Certificate, probate, in respect of the debts, securities or estate of the said deceased and there is no impoundment under the law to the grant of the certificate or validity thereof if it was granted.

8. That I say that the deceased was employee as a Regional Therapy Supply Chain Lead at M/s Pakistan Limited and has some outstanding dues, gratuity and other pensionary benefit against the said authority. The petitioner has approached the said authority for provisioning of the said benefits / due/ gratuity etc. from the said authority but the said authority has directed the petitioner to produce succession certificate from the competent authority for release of the said funds / dues etc from the said M/s Pakistan Limited and further the said company issued a letter dated wherein disclosed that an amount of Rs. 29,865,874/- is payable toward the deceased.

9. That I state that all the legal heirs of the deceased have given their consent and waived the notice of this petition.

10. That whatever stated above is true to the best of my knowledge and belief.

Karachi:

Dated:

DEPONENT

CNIC No.
Cell No.

IN THE COURT OF DISTRICT JUDGE AT KARACHI CENTRAL
(TESTAMENTARY & INTESTATE JURISDICTION)

S.M.A No. /2023

Mst AS

Petitioner

MS

Deceased

SCHEDULE OF DEBTS AND SECURITIES BELONGING
TO THE DECEASED MR MS
SON OF

Outstanding Dues, Pensionary Benefits, Gratuity and / or any
other amount lying with M/s Pakistan Limited against the
Deceased Mr MS son of Shuja uddin being its employee.

Total Value: Rs. 29,865,874/-

(Rupees Two Crore, ninety eight lac, Sixty Five Thousand eight
hundred and seventy four only)

Karachi:

Dated:

Petitioner

Advocate for the Petitioner

**IN THE COURT OF DISTRICT JUDGE AT KARACHI CENTRAL
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2023

Mst AS

Petitioner

MS

Deceased

AFFIDAVIT

I, S Uson of Muslim, adult, resident of House N Karachi, do hereby state on oath as under: -

1. That I am father of the deceased Mr MS S/o, as one of his legal heir I am fully conversant with the facts of the case.
2. That I state that I, being a legal heir of the deceased Mr MS S/o, , waived the notice of this petition as the same has been filed with my consent.
3. That I state that the petitioner is my daughter in law and widow of the deceased and I am sure that the petitioner will do justice to me and he will safe my interest.
4. That I have no objection if Succession Certificate granted to the petitioner without any security or surety.

That whatever stated above is true to the best of my knowledge and belief.

Karachi.

Dated

DEPONENT

CNIC No. 42101-5348361-5

**IN THE COURT OF DISTRICT JUDGE AT KARACHI CENTRAL
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2023

Mst AS

Petitioner

MS

Deceased

AFFIDAVIT

I, Mst ZS wife of SU , holding Muslim, adult, resident of House No. Karachi, do hereby state on oath as under: -

1. That I am mother of the deceased Mr MS S/o, as one of his legal heir I am fully conversant with the facts of the case.
2. That I state that I, being a legal heir of the deceased Mr MS S/o, , waived the notice of this petition as the same has been filed with my consent.
3. That I state that the petitioner is my daughter in law and widow of the deceased and I am sure that the petitioner will do justice to me and he will safe my interest.
4. That I have no objection if Succession Certificate granted to the petitioner without any security or surety.
5. That whatever stated above is true to the best of my knowledge and belief.

Karachi.
Dated

**IN THE COURT OF DISTRICT JUDGE AT KARACHI CENTRAL
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2023

Mst AS

Petitioner

MS

Deceased

**APPLICATION UNDER ORDER XXXII C.P.C.
FOR APPOINTMENT OF GUARDIAN AD-LITEM**

For the reasons as disclosed in the accompanying affidavit, it is respectfully prayed on behalf of the petitioner as well as legal heirs of deceased abovenamed that this Hon'ble Court may graciously be pleased to appoint the petitioner as guardian ad-litem of the following minors, as the said petitioner is real mother of the minors:

(Copy of B Form issued by NADRA is attached herewith and marked as annexure A.)

Prayer is made in the larger interest of justice.

Karachi:

Dated: -06-2023

Advocate for the Petitioner.

**IN THE COURT OF DISTRICT JUDGE AT KARACHI CENTRAL
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2023

Mst AS

Petitioner

MS

Deceased

AFFIDAVIT IN SUPPORT OF APPLICATION U/S XXXII C.P.C..

I, Mst AS WD/o MS, D/o, Muslim, adult resident of, Karachi, do hereby state on Oath as under: -

1. That I am deponent of this affidavit and one of the legal heirs in the above case as such I am well conversant with the facts of the case.
2. That the accompanying application U/s XXXII CPC has been drafted and filed under my instructions, the contents whereof are true, so for the sake of brevity and to avoid repetition the same may also be treated as a part of this affidavit.
3. That I say that the minors are my real daughters and being minors they are not capable to file their affidavit of No Objection for the grant of required succession certificate in favour of the petitioner and as such the instant application has been filed.
4. That I say that I have no interest adverse to the interest of the said minors in any manner whatsoever.
5. That I say that unless the accompanying application is granted, I as well as the other legal heirs of the deceased shall be seriously prejudiced.

Whatever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated: -06-2023

DEPONENT

AFFIDAVIT OF NON MARRIAGE

I, Mst AS WD/O, MS, D/O,, Muslim, adult resident of Flat Karachi, do hereby state on Oath as under: -

1. That I am the deponent of this affidavit as such am fully conversant with the facts stated herein.
2. That I say that I am the widow of Mr MS S/o, I, who was died / expired on. Photocopy of Death Certificate is enclosed herewith.
3. That I say that after the death of my deceased husband above-named, I never remarried till now and not in future I have decided to remarry.
4. That I further say that during the life time of deceased, he only married with me and no other marriage took place of the deceased, hence I and my children are only the legal heirs of the deceased.
5. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi;

DEPONENT.

**IN THE COURT OF DISTRICT JUDGE AT KARACHI CENTRAL
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2023

Mst AS

Petitioner

MS

Deceased

APPLICATION U/R 14 SINDH CIVIL COURT RULES

For the reason disclosed herein the accompanying affidavit, it is respectfully prayed on behalf of the petitioner above-named, that this Hon'ble Court may graciously be pleased to entertain the matter as on urgent motion, in the vacations, as it is in the larger interest of justice.

Prayed accordingly.

Karachi:

Dated: -06-2023

Advocate for the Petitioner

**For immediate use in Court
IN THE COURT OF DISTRICT JUDGE AT KARACHI CENTRAL
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2023

Mst AS

Petitioner

MS

Deceased

AFFIDAVIT

I, Mst AS WD/O, MS, D/O, Karachi, do hereby state on Oath as under:

1. That I am deponent of this affidavit as well as plaintiff in the above matter, as such fully conversant with the facts of the accompanying application.
2. That the accompanying application **U/R 14 SINDH CIVIL COURT RULES** has been drafted and filed under my specific instructions, contents whereof are true and correct to the best of my knowledge and the same may please be treated part and parcel of this affidavit, for the sake of brevity.
3. That I say that I am widow of deceased and have two minors daughters to look after them and after the death of the deceased, I am facing hardship / financial crisis as such, hence this urgent application before this Hon'ble Court with prayer to admit my petition in the vacations.
4. That I say that unless the accompanying application U/s 14 of Sindh Civil Court Rules R/w Section 151 CPC is granted I shall be seriously suffer and irreparable loss.
5. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated:

DEPONENT

IN THE COURT OF DISTRICT JUDGE AT KARACHI CENTRAL

(TESTAMENTARY & INTESTATE JURISDICTION)

S.M.A No. /2023

Mst AS

Petitioner

MS

Deceased

INDEX

Sr. No.	Documents	Annexure	Page
1.	Copy of the petition along with supporting affidavit.	-----	
2.	Copy of Death Certificate	A	
3.	Copies of FRC, CNICs and B Form	B/1 to B/	
4.	Copy of letter issued by M/s Pakistan Limited duly signed by Ms Mariam Siraj HR Transactions and Effectiveness Lead and Saqib Mansoor, HR Advisor, of his employment at Pakistan Limited	C	
5.	Copy of Decline Certificate issued by NADRA authority	F	
6.	Affidavit of No Objections of LR's.		
7.	Affidavit of Witnesses		
8.	No Marriage Certificate		
9.	Application Under Section 14 of Sindh Civil Court Rules along with affidavit.		
10.	Application Under Section XXXII CPC along with affidavit.		
11.	Vakalatnama		

Karachi:

Dated: Advocate for the Petitioner

**IN THE COURT OF DISTRICT JUDGE MALIR AT KARACHI
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2022

SMII / Plaintiff
son of Sheikh MIUI,
Muslim,
Karachi

Petitioner

MIUI
son of SMMI,
Muslim, adult,
Karachi

Deceased

1. National Bank of Pakistan

2. MCB Bank Limited

3. Meezan Bank Limited

Respondents

SMAH
Son of MIUI
Karachi

Objector

PETITION U/S 372 OF THE SUCCESSION ACT

The Petitioner above named begs to submit as under:-

1. That the above named deceased viz: MIUI son of SMMI, holding Muslim, adult, resident of was residing at Karachi District at the time of his death.

2. That the said deceased Mr MIUI son of SMMI has expired on at Karachi. **The Death Certificate in that behalf issued by Government of Sindh, Pakistan is filed herewith and marked as annexure “A”.**

3. That the said deceased was Sunny Muslim and at the time of his death, he left behind the following persons as his legal and next of kin: -

1. Mst AJ widow of
MIUI
Widow of Deceased
2. SMIUI son of
MIUI
Son /Petitioner
3. Mst AF daughter of
MIUI
Daughter
4. SMAH
Son of MIUI
Son
5. SMUA
Son of MIUI
Son

(Copy of FRC is enclosed herewith and marked as annexure B)

4. That after the death of the said deceased, due and diligent search has been made for his will but none has been found.

5. That the legal heirs have given their consent to the petitioner for obtaining the Succession Certificate. The petitioner is the son of the deceased and is entitled to a share in the estate of the said deceased.

6. That no application has been made to any court and no grant has been made for succession certificate, probate, in respect of the debts, securities or estate of the said deceased and there is no impoundment under the law to the grant of the certificate or validity thereof if it was granted.

7. That the deceased at the time of his death was maintaining bank accounts number in the following banks and amounts is also lying in the said bank accounts but the bank official despite issuance of notice failed to give detail of the said amount , detail of bank account is appended below: -

Sr. No.	Bank Name	Account No.
1.	National Bank of Pakistan	
2.	MCB Bank Limited	
3.	Meezan Bank Limited	

Copy of Legal Notice sent to the banks are filed herewith and marked as annexure C

8. That the parents of the deceased had already expired his lifetime. The petitioner is the son of the deceased.

9. That the objector above named has raised objection in filing the above petition and showed his unwillingness to appear before the NADRA authority for grant of succession certificate with respect to the amounts lying in the above said bank accounts and other assets / properties left by the deceased above name, hence this petition is being filed before this Honorable Court .

10. That the petitioner has truly set forth in annexure “D” hereto the debts in respect of which the succession certificate is applied for.

P R A Y E R

The Petitioner, therefore, prays that a Succession Certificate may be granted to the petitioner in respect of the debts, set-forth in annexure “D” filed herewith, alongwith all attending powers towards benefits.

Karachi:

Dated

Petitioner

Advocate for the Petitioner

VERIFICATION

I, SMII / Plaintiff son of MIUI, Muslim, adult, holding CNIC No., resident of Karachi, the petitioner above named, do hereby verify on oath at Karachi on this _____day of that the facts stated in the foregoing paragraphs are true to the best of my knowledge and the legal pleas taken are true to the information taken up from my counsel which I verify believe to be true.

Karachi:

Dated:

PETITIONER/DEPONENT

Documents filed:

Annexure "A" to “ ”

Address of Service On the Petitioner :

As given in the title.

Address for Service :

**IN THE COURT OF DISTRICT JUDGE MALIR AT KARACHI
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2022

SMII / Plaintiff

Petitioner

MIUI

Deceased

National Bank of Pakistan & Others

Respondents

SMAH

Objector

A F F I D A V I T

I, SMII / Plaintiff son of MIUI, Muslim, adult, holding, resident of Karachi, do hereby state on oath as under:

1. That I am petitioner in the above case as such fully aware about the facts of the case. The accompanying petition has been drafted under my instructions and for the sake of brevity the contents of the same may be treated as a part of this affidavit.
2. That I say that the above named deceased viz: MIUI son of SMMI, holding CNIC No., Muslim, adult, resident o was residing at Karachi at the time of his death.
3. That I say that the said deceased Mr MIUI son of SMMI has expired on at Karachi Malir.
4. That I say that the deceased was Sunny Muslim and at the time of death, he left behind the following persons as his legal heirs and next of kin.

1. Mst AJwidow of
MIUI

Widow of Deceased

2. SMIUI son of
MIUI
Son /Petitioner

3. Mst AF daughter of
MIUI
Daughter

4. SMAH
Son of MIUI
Son

5. SMUA
Son of MIUI
Son

5. That I say that after the death of the said deceased, due and diligent search has been made for his will but none has been found.

6. That I say that the legal heirs have given their consent to me for obtaining the Succession Certificate. I am the son of the deceased and am entitled to a share in the estate of the said deceased.

7. That I say that no application has been made to any court and no grant has been made for succession certificate, probate, in respect of the debts, securities or estate of the said deceased and there is no impoundment under the law to the grant of the certificate or validity thereof if it was granted.

8. That I state that the deceased at the time of his death was maintaining bank accounts number in the following banks, whose detail is appended below: -

Sr. No.	Bank Name	Account No.
---------	-----------	-------------

1.	National Bank of Pakistan	
2.	MCB Bank Limited	
3.	Meezan Bank Limited	

9. That I state that all the legal heirs of the deceased have given their consent and waived the notice of this petition.

11. That whatever stated above is true to the best of my knowledge and belief.

Karachi:

Dated: DE P O N E N T

**IN THE COURT OF DISTRICT JUDGE MALIR AT KARACHI
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2022

SMMI / Plaintiff

Petitioner

MIUI

Deceased

National Bank of Pakistan & Others

Respondents

SMAH

Objector

A F F I D A V I T

I, _____ son of _____
, holding CNIC No. _____, Muslim, adult, resident
of _____ Karachi, do
herby state on oath as under: -

1. That I am deponent of this affidavit and as such am fully aware of the facts.
2. That I say that I know the deceased Mr MIUI son of SMMI who was the father of petitioner and other legal heirs and husband of Mst Akhter Jahan, had died at Karachi on leaving behind him, five legal heirs (three sons, one widow and one daughters). To my knowledge there is no other legal heir of deceased except mentioned above.
3. That I know the petitioner, deceased and his legal heirs mentioned in the instant SMA since last 10 years.

That whatever stated above is true and correct to the best of my personal knowledge, belief and information.

Karachi.
Dated

Deponent

**IN THE COURT OF DISTRICT JUDGE MALIR AT KARACHI
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2022

SMMI / Plaintiff

Petitioner

MIUI

Deceased

National Bank of Pakistan & Others

Respondents

SMAH

Objector

A F F I D A V I T

I, _____ son of _____
, holding CNIC No. _____, Muslim, adult, resident
of _____ Karachi, do
herby state on oath as under: -

1. That I am deponent of this affidavit and as such am fully aware of the facts.
2. That I say that I know the deceased Mr MIUI son of SMMI who was the father of petitioner and other legal heirs and husband of Mst Akhter Jahan, had died at Karachi on leaving behind him, five legal heirs (three sons, one widow and one daughters). To my knowledge there is no other legal heir of deceased except mentioned above.
3. That I know the petitioner, deceased and his legal heirs mentioned in the instant SMA since last 10 years.

That whatever stated above is true and correct to the best of my personal knowledge, belief and information.

Karachi.
Dated

Deponent

**IN THE COURT OF DISTRICT JUDGE MALIR AT KARACHI
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2022

SMII / Plaintiff

Petitioner

MIUI

Deceased

National Bank of Pakistan & Others

Respondents

SMAH

Objector

**SCHEDULE OF DEBTS AND SECURITIES BELONGING TO THE
DECEASED MIUI SON OF SMMI**

That the deceased at the time of his death was maintaining bank accounts number in the following banks and amounts is also lying in the said bank accounts, detail of bank account is appended below: -

Sr. No.	Bank Name	Account No.
1.	National Bank of Pakistan	
2.	MCB Bank Limited	
3.	Meezan Bank Limited	

Karachi:

Dated:

Petitioner

Advocate for the Petitioner

AFFIDAVIT OF NON MARRIAGE

I, Mst AJ widow of MIUI holding CNIC No., Muslim, adult, resident of Karachi
, do hereby state on Oath as under:

1. That I am the deponent of this affidavit as such am fully conversant with the facts stated herein.
2. That I say that I am the widow of deceased MIUI son of SMMI, holding
3. That I say that my deceased husband was expired on and left behind me as one of his legal heirs.
4. That I say that I never remarried after the death of my said husband upto now and not in future I have decided to remarry.
5. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi;
Dated:

DEPONENT.

**IN THE COURT OF DISTRICT JUDGE MALIR AT KARACHI
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2022

SMII / Plaintiff

Petitioner

MIUI

Deceased

National Bank of Pakistan & Others

Respondents

SMAH

Objector

A F F I D A V I T

I, Mst AJwidow of MIUI holdingMuslim, adult, resident of Karachi, do hereby state on oath as under:

1. That I am widow of the deceased MIUI son of SMMI, as his legal heir I am fully conversant with the facts of the case.

2. That I state that I being a legal heir of the deceased MIUI son of SMMI, waived the notice of this petition as the same has been filed with my consent.

3. That I state that the petitioner is my son as well as son of the deceased and I am sure that the petitioner will do justice to me and he will safe my interest.

4. That I have no objection if the Succession Certificate granted to the petitioner without any security or surety.

That whatever stated above is true to the best of my knowledge and belief.

Karachi.

Dated

D E P O N E N T.

**IN THE COURT OF DISTRICT JUDGE MALIR AT KARACHI
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2022

SMII / Plaintiff

Petitioner

Deceased

Respondents

Objector

AFFIDAVIT

I, Mst AF daughter of MIUI holding CNIC No. Muslim, adult, resident of Karachi, do hereby state on oath as under:

1. That I am daughter of the deceased MIUI son of SMMI, as his legal heir I am fully conversant with the facts of the case.
2. That I state that I being a legal heir of the deceased MIUI son of SMMI, waived the notice of this petition as the same has been filed with my consent.
3. That I state that the petitioner is my brother and son of the deceased and I am sure that the petitioner will do justice to me and he will save my interest.
4. That I have no objection if the Succession Certificate granted to the petitioner without any security or surety.

That whatever stated above is true to the best of my knowledge and belief.

DEPONENT.

**IN THE COURT OF DISTRICT JUDGE MALIR AT KARACHI
(TESTAMENTARY & INTESTATE JURISDICTION)**

S.M.A No. /2022

SMII / Plaintiff

Petitioner

MIUI

Deceased

National Bank of Pakistan & Others

Respondents

SMAH

Objector

A F F I D A V I T

I, SMUA son of MIUI holding Muslim, adult, resident of Karachi, do hereby state on oath as under:

1. That I am son of the deceased MIUI son of SMMI, as his legal heir I am fully conversant with the facts of the case.

2. That I state that I being a legal heir of the deceased MIUI son of SMMI, waived the notice of this petition as the same has been filed with my consent.

3. That I state that the petitioner is my brother and son of the deceased and I am sure that the petitioner will do justice to me and he will safe my interest.

4. That I have no objection if the Succession Certificate granted to the petitioner without any security or surety.

That whatever stated above is true to the best of my knowledge and belief.

Karachi.
Dated

D E P O N E N T.

HUSSAIN & SIDDIQUI

WAHEED HUSSAIN

Advocate High Court
Cell No. 0345-3329688
Ledger No. 16199/HC/Khi

MUHAMMAD MUSA SIDDIQUI

Advocate High Court
Cell No. 0345-2225882
Ledger No. 16296/HC/Khi

Office # 510, Khawaja Abid Trade Centre, City Court, Karachi

Dated : 07-07-2023

To

**1. Sub Registrar
Having office at
Saddar Town-1,
Garden, District South
Karachi.**

**2. The Mukhtarkar
Having office at
DC Office, Garden,
District South
Karachi.**

LEGAL NOTICE / INTIMATION

Dear Sir,

Under the specific instructions and on behalf of my valued client viz: Mst Shahida Khanum daughter of Ghulam Hussain Khan Niazi, Muslim, adult, resident of House No.1 KL Building, Badshahi Road, Garden West, Karachi, I have to address you as under: -

- 1. That my client is an edified, religious, respectable and law abiding citizen of Pakistan and is residing at the above said address and enjoying happy and harmonious life.**
- 2. That the father of my client viz: Mr Ghulam Hussain Khan Niazi son of Ahmed Khan Niazi died on 24 March 1990. That the said deceased Ghulam Hussain Khan Niazi son of Ahmed Khan Niazi at the time of his death was the owner of an immovable Property i.e. 3GRW. KL Building House No.1, Badshahi Road, Garden West, Karachi, hereinafter referred to as the said property and the said property still existing in the name of the said deceased in the record of rights maintained by your august authority.**
- 3. That in this regard my client has already filed a civil Suit No. 923/2022, against the other legal heirs who have illegally occupied the above said property, and the said suit is subjudice before the Honorable court of XIV-th Senior Civil Judge , South at Karachi. It is further submitted that in the above suit your august authority has already filed their written statement.**

4. Whereas recently it has come in the knowledge of my client that the said persons by showing the said suit have been disposed off and they are trying to sell out the said property to someone which is against the law as the matter is already pending before the court of law in the above suit.
5. In view of above said conspectus of facts, it is earnestly supplicated that your august authority may graciously be pleased to refrain from transferring / withheld any transfer proceeds of the above said property in favour of any person or create third party interest in respect of above said property as the matter is already pending before the court of law as mentioned above.

Thanking you in anticipation.

MUHAMMAD MUSA SIDDIQUI
Advocate High Court

Copy to:

Mst Shahida Khanum
daughter of Ghulam Hussain Khan Niazi

**IN THE COURT OF SR. CIVIL JUDGE CENTRAL AT
KARACHI**

Civil Suit No. / 2023

JA S/o M. YA
Muslim, adult, resident of, Karachi
Plaintiff

VERSUS

1. MFL/Defendant 1
Karachi
 2. SHB/Defendant 2
, Karachi
 3. DM/Defendant 3
Karachi
 4. The Bank Manager
Karachi
 5. The Bank 2 Manager
Karachi
- Defendants

**SUIT FOR DECLARATION, CANCELLATION OF CHEQUES,
RECOVERY OF DAMAGES, PERMANENT INJUNCTION**

The plaintiff above named most respectfully begs to submit her
case as under: -

1. That the plaintiff is a peace loving and law-abiding citizen of Pakistan and he has been residing at the above said address along with his family and has been engaged in lawful business as such enjoys a good reputation among the business circle as well as among the general public.
2. That the plaintiff in connection with his business and to invest an amount with the defendant No.3 who was the director of the

housing project namely, Karachi, has given following post-dated cheques of different amounts as a surety in lieu of purchase of some plot files of the said PCT as the said defendant No.3 were the sole responsible and introduced himself as director of the said housing scheme:-

(Copies of the cheques are filed herewith and marked as annexure P/1 to P/)

3. That it is humbly submitted that plaintiff has friendly relations with the defendant No.2 and 3 as such the plaintiff has full faith upon them that the said defendant No.2 and 3 would not misuse the said cheques and would in return gave him the plots of the said housing project. It is further submitted that the defendant No.2 and 3 promised the plaintiff to hand over the said plot files against an amount to be paid by the plaintiff to them against their valuation as per market rates.
4. That in the meanwhile the plaintiff in connection with his business in Turkey and Saudia Arabia, he used to come and go to Turkey and Saudi Arabia and thereafter he remained busy in his business. It is further submitted that due to his friendly relations with the defendant No.2 and 3 and on their assurance that they would arrange the said files for him, he did not demand for the files of the above said plots of land and cheques from them. Thereafter, despite repeated demands and requests by the plaintiff for the above said plot files to the said defendants, the defendant No.2 and 3 kept him on false hopes and promises.

(Copies of passports and visas are attached herewith and marked as annexure P/ to P/)

5. That thereafter as per promise the said defendant No.2 and 3 were required to give files of plots in the housing scheme of PCT, but they failed to accede their promise and did not give any file to the plaintiff. It is further submitted that the said defendant No.2 and 3 have illegally and unlawfully retained the above-said cheques.
6. That defendant No.2 and 3 in the absence of the plaintiff have misused the said cheques against him in connivance with the defendant No. 1 and involved the plaintiff in a number of criminal as well as civil litigations. It is further submitted that defendant No.3 gave the above said cheques to the defendant No.1 in lieu of the amount payable by him to the said defendant No.1.
7. That the said defendant No.1 on the basis of the said cheques have lodged FIR No. registered in the year registered on and FIR No., registered on, on against the plaintiff in connivance with the defendant No.2 and 3 with malafide intention and for fulfillment of their ulterior motives and have falsely involved the plaintiff in false litigation on the basis of above said cheques which were given to the defendant No. 3 as surety in lieu of plots files of PCT but the defendant No.1 illegally and unlawfully misused the said cheques against the plaintiff and further the defendant No.1, also filed a summary suit against the plaintiff.

(Copies of the FIRs and summary suit are filed herewith and marked as annexure P/ to P/)

8. That the defendant No.1 has himself admitted in statements recorded in the above said criminal cases as well as civil cases that the said cheques were given to him by the said defendant No. 3 and he also admitted that the defendant No.1 has invested the amount with defendant No.3 and has no direct connection with the plaintiff, which is evident by legal notice sent by the defendant No. 3 through his advocate Siddiqui Law Associates to the Defendant No.1 wherein he demanded the balance amount from the defendant No. 1.

(Copy of legal notice is attached herewith and marked as annexure P/)

9. That the defendant No.1 sent reply of above said legal notice through his duly engaged counsel on dated, wherein in para No. (h) the defendant No.1 admitted that in response thereto Mr HB, the front man of Mr DM/Defendant 3 (defendant No.2) endorsed twenty one (21) posted dated cheques of different dates worth amounting to Rs.17,550,000/- with the encashment date ended upto and paid only of Rs.2,50,000/-. The details of which are as under: -

(Copy of reply of legal notice dated is filed herewith and marked as annexure P/)

10. That it is humbly submitted that as per **Zimni** No.2 prepared by ----- of Karachi, in case FIR No. on dated, wherein it is stated that the defendant No.2 being front man of defendant No.3 has issued the said cheques as security to the defendant No.1 through a written affidavit and these cheques were blank, and the defendant

No.1 was required to return the same back to the defendant No. 2 and it was also written in the said affidavit that the said cheques are not being received for any purpose and will not be deposited in any bank. It is also admitted that the said cheques of the plaintiff were only for guarantee. It is also admitted by the defendant No.2 during further investigation that he along with defendant No.1 went to the said defendant No.3 for business purpose and invested amount in lieu of purchase of 7 plots files of PCT. It is further submitted that the defendant No.2 also admitted that the cheques of the plaintiff shall be returned by the said defendant No. 1 to the defendant No.2 but the said cheques of the plaintiff have been misused against the plaintiff by the defendant No.1 with malafide intention without giving any notice and intimation to the plaintiff knowingly very well that the plaintiff has no concerned with the said business deal of the defendant No.1 with the defendant No.2 and 3 and his cheques were misused by them for fulfillment of their ulterior motives.

(Copy of Zimni No.2 is filed herewith and marked as annexure P/)

11. That it is humbly submitted that as per statement of the defendant No.1 recorded under section 161 PPC, by of Karachi, duly signed by of PS in above case FIR, he admitted that the said dealing was made through defendant No.2 and the files of the plots were given by the defendant No.3. It is further submitted that in another statement of the defendant No.1 recorded on by ASI he stated that the defendant No.1 was not in possession of any written agreement regarding the said investment, and on demand of return

of amount invested in the above business, the said defendant No.2 gave him the said cheque of his company and one cheque of the plaintiff.

(Copies of the statements are filed herewith and marked as annexures P/ to P/)

12. That the defendant No.3 asked the plaintiff to compromise the matter in criminal case FIR No. with the defendant No. 1 and agreed to pay Rs.8,50,000/- to the plaintiff for payment to the defendant No.1 against his cheque amount in eight installment of each of Rupees one Lac by issuing such pay order from regularly after paying rupees fifty thousand to the defendant No.1 on but thereafter the defendant No.3 backed up from his promise and as such the said compromise could not be affected.

(Copy of compromise application duly signed by the defendant No.1 and the plaintiff are filed herewith and marked as annexure P/)

13. That from the averments made in the above paras, no liability can be fixed upon the plaintiff and the said cheques given by the plaintiff to the defendant No.2 and 3 as security were misused by the defendant No.1 to 3 for fulfillment of their ulterior motives and have illegally and unlawfully involved the plaintiff in false litigations based on the said cheques.

14. That it is well settled / proved that the plaintiff did not give any cheque to the defendant No.1 directly and further the plaintiff has no business links directly or indirectly in respect of PCT with the defendant No.1 to 3 and further no written agreement has been placed on record signed by the plaintiff between any of the defendants as such the defendants No.1 to 3 have no authority to

misuse the said cheques and the said cheques are liable to be canceled henceforth with.

15. That the plaintiff through his counsel sent a legal notice dated _____ to the defendants No.1 to 3 stating therein all the above facts and directed them to withdraw all the above said litigations filed by them against the plaintiff but they failed to reply the same which shows that they have nothing to disclose in rebuttal of the said claim of the plaintiff, hence this suit.

(Copies of legal notice and TCS receipts are filed herewith and marked as annexure P/ to P/)

16. That the said defendant No.1 is stranger, and the plaintiff has no concern with the said defendant No.1 and he has neither has any business connection nor any amount is outstanding against him for which he is claiming the said amount from the plaintiff against the said cheques which were given to him by the defendant No.2.

17. That the said defendants are bent upon to harass, blackmail, and threaten the plaintiff based on above said cheques which were never issued to the defendant No.1. It is further submitted that the plaintiff has time and again requested them to return these cheques to them and not to misuse the same as they are not entitled to do so but still, they are raising illegal demands of exorbitant amounts against return of the said cheques.

18. That based on above-mentioned cheques, it is serious apprehension to the plaintiff that the said defendants would lodge false cases against the plaintiff by making forged signs on the said

cheques, therefore the said cheques are liable to be canceled by this Hon'ble Court, hence this suit.

19. That due to the above said acts / omission of acts of the defendants No.1 to 3, the plaintiff suffered from mental tortures, mental agonies, physical inconvenience, financial crisis, loss of business, defamation and lost his reputation in the eyes of the society, colleagues and general public as such he is entitled to claim damages to the tune of Rs.10,000,000/- (Rupees Ten Million Only) against the defendant No.1 to 3 jointly and severally for misfeasance, nonfeasance, and malfeasance on their part.
20. That the above said FIR No., registered in the year registered on and FIR No. , registered on and the plaintiff came in the knowledge of the above FIRs in the year hence this suit is being filed within limitation period prescribed under the law.
21. That cause of action has accrued to the plaintiff, firstly on when the plaintiff issued the cheques to the defendant No.2 and 3 as surety against issuance of plot files of PCT, but they failed to give any files and retained the cheques and secondly when the said defendant No.3 through defendant No.2 delivered the said cheques to the defendant No.1, who have misused the same against the plaintiff for filing criminal as well as civil cases against him for fulfillment of their ulterior motives and to illegally and unlawfully involved him in the above cases, thirdly when the defendant No.1 registered FIR No., in the year FIR No. on and FIR No. , on against the plaintiff and lastly on _____ when the

plaintiff sent a legal notice dated _____ to the defendants but they failed to reply the same till to date and the same cause of action continues till the final disposal of instant suit as prayed.

22. That the cause of action has arisen within local limits of P.S._____, which is within the territorial jurisdiction of this Hon'ble Court.

23. That the suit is approximately valued for Rs. 2,00,00,000/- for Cancellation of cheques, Permanent Injunction and Declaration, as such prescribed Court fees is affixed herewith.

PRAYER

It is, therefore, respectfully prayed that this Hon'ble Court may be pleased to pass a Judgment and Decree in favour of the Plaintiff and against the Defendant as follows: -

- a). To declare that acts of the defendants for cheating, defrauding, misusing of cheques and threatening for dire consequences are illegal and unlawful, and he is liable to be prosecuted according to law.
- b). To pass an order for cancellation of all cheques, which were in illegal custody of the defendants No.1 to 3 of plaintiff' account including the following cheques: -

For immediate use in Court

**IN THE COURT OF SR. CIVIL JUDGE CENTRAL AT
KARACHI**

Civil Suit No. / 2023

JA

Plaintiff

VERSUS

MFL/Defendant 1 and Other

Defendants

**AFFIDAVIT IN SUPPORT OF APPLICATION U/S 149 CPC FOR
EXEMPTION OF COURT FEE FOR THE TIME BEING**

I, JA S/o M. YA, Muslim, adult, Resident of Karachi, do hereby state on Oath as under: -

1. That I am the plaintiff in the above titled suit, as such am fully conversant with the facts of the matter deposed herein below.
2. That the accompanying application U/S 149 CPC for exemption of court fee for the time being has been drafted and filed under my specific instructions and the contents whereof are true and correct and the same along with contents of the memo of plaint may please be treated as part of this affidavit, for the sake of brevity.
3. **That** I say that I am facing hardship and financial crisis and having no adequate source of income to pay the same and also not in position to arrange court fee for the time being and undertake to pay the same before this Honorable Court.
4. That I say that I have a good prima facie case, the balance of convenience lies in my favour and until and unless my accompanying application is granted as prayed, the plaintiff shall be seriously prejudiced and shall suffer irreparable loss.
4. That whatever stated above is true and correct to the best of my knowledge and belief.

DEPONENT

**IN THE COURT OF SR. CIVIL JUDGE CENTRAL AT
KARACHI**

Civil Suit No. / 2023

M/s NMFC
Mst SH Widow
Karachi.

Plaintiff

VERSUS

SUD
Tariq Road, Karachi

Defendants

**SUIT FOR DECLARATION, CANCELLATION OF CHEQUE,
RECOVERY OF DAMAGES, PERMANENT INJUNCTION**

The plaintiff above named most respectfully begs to submit her case as under: -

1. That the plaintiff is an edified, religious, and respectable citizen of Pakistan and is living with her family and further doing her family business as a Managing Partner under the name & style of M/s NMFC. and running the said business since last 40-50 years and the said business was established by her father-in-law after a long-lasting effort, experience, hardworking and dedication.
2. That the plaintiff, due to the high standard quality and reliability of its products, has earned a good reputation in the business community as well as among its valuable customers. It is pertinent to mention that the shoes and other allied items under plaintiff's brand of New Metro Footwear are designed, prepared, and manufactured by her owned engineers, at its factory with high standard quality materials and due to the said reasons, the said products have been recognized and liked by its valuable

customers. It is further submitted that the plaintiff has other outlets in different parts of the city and as such earns a good reputation among the general public as well.

3. That the defendant who is also running the business under the name and style of M/s Shoes 4 U at Shop No. Karachi and also having running factory under the name and style of. It is further submitted that the in-laws of the plaintiff were having business relations with him and with the passage of time the plaintiff brand became unique, and they finished their business relations with the defendant and started to make / manufacture its owned products at her factory.
4. That the defendant now bent upon making products with compromised quality and misusing/ infringing the trade name of the plaintiff's brand name of plaintiff's company with the sole intention to cause serious harm to the plaintiff's business and lowered its prestige which she earned through long-lasting efforts among its valuable customers. It is further submitted that his owned products due to low quality are not liked by the customers and due to the said reasons, he is also bent upon to harass, blackmail and threatening through himself and other **Gunda elements** with the sole intention to refrain the plaintiff to carry on her own lawful business over the above said outlet at Tariq Road, Karachi. It is pertinent to mention that the defendant has infringed the trade name of the plaintiff by making low quality products at his own factory.

5. That he is continuously sending the said people at her shop/ business premises, who used abusive, threatening languages and used to create dramas before valuable customers to assault and lower the prestige of her business in front of her valuable customers as he has become greedy and selfish and has been creating unnecessary hurdles in smoothly running the business of the plaintiff. It is further submitted that due to high quality and good standard valuable articles / shoes of the plaintiff the business of the proposed accused has lost its worth and his business is likely to be collapsed and as a revenge he has been continuously busy in playing tactics to defame, lower and underestimate the business of the plaintiff.
6. That the said defendant also used to visit himself and through his miscreants / **Gunda** elements at factory outlets of the plaintiff and busy in continuous harassing, blackmailing and threatened the workers / staff deputed over there and gave threatening messages to them and also sent threatening messages to the plaintiff through her workers working at the factory. It is pertinent to mention that the plaintiff is also receiving threatening calls from unknown numbers and directing the plaintiff to visit the above said police station, otherwise FIR may be lodged against her as such the plaintiff is having serious apprehension for her involvement in any illegal and unlawful acts in connivance with some official of the police station.
7. That it is humbly submitted that the said defendant has continuously been involved in campaign of harassment,

blackmailing and threatening the plaintiff by extending threats and through other henchmen / Gunda elements and further they have been visiting the shops/ factory of the plaintiff and has also made air firing outside the shop/ factory of the plaintiff and the plaintiff having serious apprehension for any unlawful act which she reported to the concerned police station through application and later filed a Cr. Misc. Application No. _____/2023 before the Court of District and Session Judge at Karachi East which was disposed off vide order dated _____.

8. That it is humbly submitted that as a counterblast the defendant also filed a Cr. Misc. Application No., wherein he levelled false and frivolous allegations against the plaintiff and also claimed that the plaintiff has issued him a Cheque No. dated of her company Account at Karachi against borrowed amount taken by the plaintiff but the Honorable Court was pleased to dismiss the same as he failed to satisfy the Honorable Court regarding issuance of cheque.
9. That it is humbly submitted that thereafter the defendant in connivance with police official has succeeded to get lodge an FIR being FIR No. PPC at Ps, Karachi. It is further submitted that in the said FIR wherein he again concocted a false story and stated that defendant supplied the materials to the plaintiff during last four years in different times after taking from different places and total amount against company situated at, become Rs.55 lacs. , out of which they paid Rs.5 lacs, and against , the remaining amount of Rs.50 lacs, they issued a cheque No dated of her company NOW

Account. It is humbly submitted that the plaintiff has been granted in the above FIR.

(Copy of FIR is filed herewith and marked as annexure P/)

10. That it is humbly submitted that the plaintiff has never issued the above cheque or any other cheque to the defendant, it is further submitted that the plaintiff's firm was having business relations in past with the defendant on cash to cash basis and the above said cheque has been misused against the plaintiff's company and the said cheque has been arranged / taken from the other customer of the plaintiff as she has business relations with other companies and cheques were issued against their liabilities / securities to run its business smoothly. It is pertinent to mention that the defendant has also failed to produce any cogent and valid reasons / documentary proof against which the said cheque was issued as such the said cheque is liable to be cancelled. It is further submitted that the defendant has bent upon to harass, blackmail and threatening the plaintiff by filling false and frivolous litigations and have already tarnished her reputation among her business circles which is evident by the above said false cases.

11. That due to the above illegal acts and omission of acts of the defendant, the plaintiff suffered with mental tension and torture, false and frivolous litigation, which cannot be satisfied in monetary terms. Physically, financially and lost established reputation as a businessman and also lost her established business reputation which in monetary terms cannot be calculated strictly but roughly to the tune of Rs. 2 Crore.

12. That the said defendant is bent upon to harass, blackmail, and threaten the plaintiff based on above said cheque which was never issued to him. It is further submitted that the plaintiff has time and again requested them to return the above cheque to her and not to misuse the same as he is not entitled to do so but still, he is raising illegal demands of exorbitant amounts against return of the said cheque.
13. That based on above-mentioned cheques, it is serious apprehension to the plaintiff that the said defendant would lodge other false cases against the plaintiff, therefore the said cheque is liable to be canceled by this Hon'ble Court, hence this suit.
14. That due to the above said acts / omission of acts of the defendant, the plaintiff suffered from mental tortures, mental agonies, physical inconvenience, financial crisis, loss of business, defamation and her reputation in the eyes of the society, colleagues, business community and general public as such she is entitled to claim damages to the tune of Rs.20,000,000/- (Rupees Twenty Million Only) against the defendant for misfeasance, nonfeasance, and malfeasance on his part.
15. That cause of action has accrued to the plaintiff, when the defendant filed a Cr. Misc. Appl. No. against the plaintiff which was dismissed and against filed an FIR No., PPC at Ps Karachi, wherein he claimed regarding bouncing of cheque , which was never issued by the plaintiff to the defendant and same was

misused against her and the same cause of action continues till the final disposal of instant suit as prayed.

16. That the cause of action has arisen within local limits of P.S.which is within the territorial jurisdiction of this Hon'ble Court.

17. That the suit is approximately valued for Rs. 55,00,000/- for Cancellation of cheques, Permanent Injunction and Declaration, and Rs.2,00,00,000/- as damages as such prescribed Court fees is affixed herewith.

PRAYER

It is, therefore, respectfully prayed that this Hon'ble Court may be pleased to pass a Judgment and Decree in favour of the Plaintiff and against the Defendant as follows: -

- a). To declare that acts of the defendant for cheating, defrauding, misusing of Cheque No.dated detail, and other cheque and threatening for dire consequences are illegal and unlawful, and he is liable to be prosecuted according to law.
- b). To pass an order for cancellation of all cheques including Cheque No., dated , which is in illegal custody of the defendant of plaintiff'account as the same was never issued by her to the defendant.
- c) To direct the defendant to pay damages to the tune of Rs.2,00,00,000/- to the plaintiff.

- d). To grant permanent injunction thereby restraining the Defendant, his servants, subordinates, agents, or anybody else acting through him or on his behalf from misusing the Cheque No. dated or any other cheques and restrain them from encashing/ bouncing or lodging any further FIR against the said cheque in any manner whatsoever.
- e). Cost of the suit may also be awarded to the Plaintiff.
- f). Any other relief(s) which this Hon’ble Court may think / deem fit and proper according to circumstances of the case may also be awarded to the Plaintiff.

Karachi:

Dated: PLAINTIFF

ADVOCATE FOR THE PLAINTIFF

VERIFICATION

I, Mst SH Widow Muslim, adult, Resident of Karachi, the proprietor of plaintiff herein in the above matter do hereby solemnly affirm and verify on Oath that the contents of all the above paras including prayer clauses are true and correct to the best of my knowledge and belief.

Karachi:

Dated: DEPONENT

DOCUMENT FILED As per annexures.

DOCUMENTS RELIED UPON Original of the Annexures, and all other relevant documents.

ADDRESS OF THE PARTIES As in Title.

ADDRESS FOR SERVICE OF
PLAINTIFF'S COUNSEL.

As in Vakalatnama.

IN THE COURT OF SR. CIVIL JUDGE EAST AT KARACHI

Civil Suit No. / 2023

M/s NMFC

Plaintiff

VERSUS

SUD

Defendant

APPLICATION U/O XXXIX RULE 1 & 2 CPC,
R/W SECTION 151 CPC.

For the facts and reasons disclosed in the accompanying affidavit, as well as in the memo of plaint, it is respectfully prayed on behalf of the plaintiff above-named that this Hon'ble Court may graciously be pleased to grant injunction against the defendant, thereby restraining the defendant, his agents, servants, employees, nominees, colleagues, persons, representatives, workers, attorneys and / or anybody else acting on his behalf or in his named, from and other cheques of the plaintiff, which could be arranged by the defendant through fraud and misrepresentation and also restrain them from encashing/ bouncing or lodging any FIR against these cheques, in any manner whatsoever without due course of law, and further restrain him from issuing threats, pressurizing, and harassing the plaintiff.

Ad-interim orders for maintaining the status quo are solicited.

The prayer is made in the interest of justice.

Karachi:

Dated:

Advocate for the Plaintiff

For immediate use in Court

IN THE COURT OF SR. CIVIL JUDGE EAST AT KARACHI

Civil Suit No. / 2023

M/s NMFC

Plaintiff

VERSUS

SUD

Defendant

AFFIDAVIT

I, Mst SH Widow i, Muslim, adult, Resident of Karachi, do hereby state on Oath as under: -

1. That I am the proprietor of the plaintiff in the above titled suit, as such am fully conversant with the facts of the matter deposed herein below.

2. That the accompanying application U/o XXXIX, Rule 1 & 2 CPC R/w Section 151 CPC has been drafted and filed under my specific instructions and the contents whereof are true and correct and the same along with contents of the memo of plaint may please be treated as part of this affidavit, for the sake of brevity.

3. That I say that I have a good prima facie case, the balance of convenience lies in my favour and until and unless my accompanying application is granted as prayed, I will be seriously prejudiced and shall suffer irreparable loss.

4. That whatever is stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated: -11-2023

DEPONENT

IN THE COURT OF SR. CIVIL JUDGE EAST AT KARACHI

Civil Suit No. / 2023

M/s NMFC

Plaintiff

VERSUS

SUD

Defendant

LIST OF LEGAL HEIRS

- 1.
- 2.
- 3.

In case of the death of the plaintiff, one of the above-mentioned legal heirs shall inform / intimate this Hon'ble Court.

Karachi:

Dated: -11-2023

Advocate for the Plaintiff

IN THE COURT OF SR. CIVIL JUDGE EAST AT KARACHI

Civil Suit No. / 2023

M/s NMFC

Plaintiff

VERSUS

SUD

Defendant

ADDRESS FOR SERVICE OF THE PLAINTIFF.

M/s NMFC
Through its proprietor
Mst SH Widow Karachi.

Karachi:

Dated: -11-2023

Advocate for the Plaintiff

IN THE COURT OF SR. CIVIL JUDGE EAST AT KARACHI

Civil Suit No. / 2023

M/s NMFC

Plaintiff

VERSUS

SUD

Defendant

**APPLICATION U/S 149 CPC FOR EXEMPTION OF
COURT FEE FOR THE TIME BEING**

For the reasons disclosed in the accompanying affidavit, it is prayed that this Hon'ble Court may graciously be pleased to exempt the plaintiff from Court Fee for the time being as the financial position of the plaintiff being housewife is very weak and she cannot afford to pay the same, however she undertakes and assure that the plaintiff will pay on next date of hearing the Court Fee and / or as and when her Financial Position become sound.

The application is made in the interest of justice.

Karachi:

Dated: -11-2023

Advocate for the Plaintiff.

For immediate use in Court

IN THE COURT OF SR. CIVIL JUDGE EAST AT KARACHI

Civil Suit No. / 2023

M/s NMFC Plaintiff

VERSUS

SUD Defendant

**AFFIDAVIT IN SUPPORT OF APPLICATION U/S 149 CPC FOR
EXEMPTION OF COURT FEE FOR THE TIME BEING**

I, Mst SH Widow of Sajjad Sultan Ali, Muslim, adult, Resident of
Karachi, do hereby state on Oath as under: -

1. That I am the proprietor of the plaintiff in the above-titled suit,
as such am fully conversant with the facts of the matter deposed
herein below.
2. That the accompanying application U/S 149 CPC for exemption
of court fee for the time being has been drafted and filed under my
specific instructions and the contents whereof are true and correct and
the same along with contents of the memo of plaint may please be
treated as part of this affidavit, for the sake of brevity.
3. **That** I say that I am facing hardship and financial crisis and
having no adequate source of income to pay the same and also not in
position to arrange court fee for the time being and undertake to pay
the same before this Honorable Court.
4. That I say that I have a good prima facie case, the balance of
convenience lies in my favour and until and unless my accompanying

application is granted as prayed, the plaintiff shall be seriously prejudiced and shall suffer irreparable loss.

4. That whatever is stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated:

Dated

Advocate for the Plaintiff

**IN THE COURT OF SENIOR CIVIL JUDGE AT KARACHI
WEST**

Suit No. / 2020

1. Mst. MB W/o
IA, Muslim, Adult,
Karachi

2. Ms NF D/o IA,
Muslim, Adult,, Karachi

3. Ms AF D/o IA,
Muslim, Adult, Karachi

4. Ms QF D/o IA,
Muslim, Adult, Karachi

Plaintiffs

VERSUS

1. Mr SA S/o IA,
Muslim, Adult, Karachi

2. Mr IAA S/o IA,
Muslim, Adult,, Karachi

Defendants

**SUIT FOR DECLARATION, ADMINISTRATION,
PARTITION, POSSESSION, PERMANENT / MENDATORY
INJUNCTION AND CANCELLATION OF DOCUMENTS**

The plaintiffs above named most respectfully submit as under:-

1. That the plaintiffs are respectable, edified and law abiding citizens of Pakistan and are living at the above said addresses along with their families.
2. That the husband of plaintiff No.1 and father of plaintiff No.2 to 4 & defendants, Mr Ishtiaq Ahmed son of Hafiz Abdul Jameel Braveli, a Sunni Muslim died / expired on, leaving behind him the following persons as his sole legal heirs: -

- | | |
|------------|----------|
| 1. Mst. MB | Widow |
| 2. Ms NF | Daughter |
| 3. Ms AF | Daughter |
| 4. Ms QF | Daughter |
| 5. Mr SA | Son |
| 6. Mr IAA | Son |

(Copy of Death Certificate of the deceased is attached herewith and marked as annexure P/1)

3. That the above said deceased Ishtiaq Ahmed son of Hafiz Abdul Jameel Braveli at the time of her death was having following moveable and immoveable properties in his names: -

1. **Moveable Properties**

- a. Gold weight about 14 Tota.
- b. Cash 25,00,000/-.

2. **Immoveable Properties**

- a. House No. 35 Karachi
- b. House No. 39Karachi.
- c. Rented Premises Shop No Karachi

4. That it is humbly submitted that the said deceased has purchased the property i.e. House No. 35,Karachi from Mst for a total sale consideration of Rs.4,65,000/-. It is further submitted that the said deceased transferred the said property in the name of the defendants as ***benami*** as evident by the **WILL / Wasiyat Nama** executed by the deceased dated in his lifetime in presence of witnesses. It is pertinent to mention in the said **WILL**, it is

specifically mentioned that the said property will be used by all the above said plaintiffs and defendants and all legal heirs have their respective shares in the said property. It is further submitted that the plaintiffs and defendant No.2 are only having possession of half portion of the above said property.

5. **That** it is humbly submitted that the property bearing House No. 35, Karachi was also repartitioned by the defendants and half of the portion is illegally and unlawfully transferred in the name of the defendant No.2 (IAA) vide deed of partition registered at No., Book No. 1, dated before Sub Registrar, Karachi.

(Copy of Deed of Partition is attached herewith and marked as annexure P/)

6. That, thereafter the above said deceased during his lifetime cancelled the above said **“Will”** and executed another **Will / Wasiyatnama** in presence of witnesses on or about wherein he stated that the above said property i.e. House No. 35, Karachi, which was already transferred as **Benami** in the name of defendants, the deceased transferred the ownership rights of the said property in the name of the plaintiffs No.2 to 4 being his legal heirs. It is further submitted that the said deceased being owner of another property mentioned in serial No. b in para 2 above i.e. House No. G-141, Sector 11 ½, Aziz Nagar, Orangi Town, Karachi, as stated in the said **WILL**, he transferred the said property in the name of the defendants. It is further submitted that the said deceased has also specifically stated in the said **WILL** that the previous **WILL** dated 27-7-1998 has been cancelled. It is further

submitted that the deceased has also transferred the said property in the name of the defendant No.1 as *benami* after purchasing the same being his elder son but later as per **WILL** dated has transferred the same in the name of both the defendants.

(Copies of Bill, Lease Deed and WILL / *Wasiyatnama* dated 20 October 2004 are attached herewith and marked as annexure P/ to P/)

7. That the deceased has got the above said Shop No 9, Karachi on pugree after paying an huge amount of pugree and in the said shop the said deceased was running the business of cloths and from the profit of said business has purchased the above said properties and at the time of his death the said shop was also full with clothes but the defendant No.1 after his demise has taken full control over the said shop and has been earning an handsome amount from the said shop but he did not pay any amount from the above said earnings to the plaintiffs. It is further submitted that since last 10 years he did not pay any amount from the said earning even did not pay amount for purchase of medicines of his mother.
8. That the said defendant No.1 has also taken into possession the front portion of the said shop. It is submitted that the defendant No.1 has purchased a Shop No 18, Karachi from the earning of the said shop and he used to sell and purchase the said plots. Moreover the stock of cloths which is held in shop , godown and in his house is worth more than 50,00,000/- which is also come from the earnings of above said shop but he never paid a single penny to the plaintiffs being entitled of their respective shares in the said

shop / cloths which was given to him by the deceased father and it was agreed that the income of the said shop would be distributed among the legal heirs but he failed and neglected to pay the same and has illegally and unlawfully taken full control over the said business of the deceased.

9. That it is humbly submitted that moveable properties i.e. cash amount of Rs.25,00,000/- and gold weighing about 14 tola was also left by the deceased which is also in the custody of the defendant No.1 and despite of repeated requests and reminders to distribute the same as per respective shares among the said legal heirs but failed and neglected to pay the same and has illegally and unlawfully retained and have utilized the same for his own benefit.
10. That since the death of the deceased the defendant No.1 has illegally and occupied the above said moveable and immoveable properties and the defendant No.1 also doing business in the shop and has deprived the plaintiffs from their respective shares in the profit as well as in the said properties.
11. That the plaintiffs have time and again requested the defendants to give them their respective shares in the above said properties but they were tolerating on one pretext or the others and on _____, they flatly refused to give them their respective shares in the above said properties.
12. That it has been repeatedly apprised by the plaintiffs for partitions of the moveable and immovable properties mentioned above and

distributing the same left by the deceased father of the parties amongst all the legal heirs according to their respective Shares prescribed by Shariah, but the defendants always avoided to do so on one pretext or other. It is pertinent to mention that the defendants are in possession of the original title documents of the above said properties.

- 13.** That in the circumstances stated above the plaintiffs claim that an account may be taken of the movable and immovable properties left by the deceased husband / father of the parties and the same may be administered under the decree of this Hon'ble Court.
- 14.** That the cause of action for filing the instant suit arose to the plaintiff when the father of the parties died on and the defendants have illegally and unlawfully transferred the said immoveable properties in their names and on each and every occasions, when the plaintiffs approached the defendants to distribute the above said properties left by the deceased husband / father, they neglected and refused to divide the said properties and the same cause of action is still continuing within the territorial jurisdiction of PS_____ hence this Honorable Court has jurisdiction to entertain this suit, hence this suit.
- 15.** That for the purpose of jurisdiction the suit is valued Rs.1,40,00,000/-, hence the prescribed court fee has been affixed on the face of the plaint.

PRAYER

It is, therefore, respectfully prayed on behalf of the plaintiffs above named that this Hon'ble Court may graciously be please to pass the following orders: -

A. To partition the following properties left by the deceased or in case the partition is not possible or not convenient then in the alternative for sale of the these properties, the same may be sold and out of sale proceed the plaintiffs be paid their respective shares according to the Muhammadan Law: -

1. Moveable Properties

- a. Gold weight about 14 Tota
- b. Cash 25,00,000/-.

2. Immoveable Properties

- a. House No. 35, Karachi
- b. House No. 14 Karachi.
- b. Rented Premises Shop No 9, Karachi

B. To Cancel the indenture of lease deeds (1) Registered No. , Book No.I, dated before Sub Registrar, Karachi, MF Roll No. Photo Registrar, Karachi, dated in respect of House No. 39 Karachi, old address House No. 41Karachi, (2) Registered No. Book No.I, dated , before Sub Registrar Orangi Town, Karachi, MF Roll No. Photo Registrar, Karachi, dated, in respect of House No. 35, Karachi, (3) Deed of Partition being Registered

No. Book No.V, dated before Sub Registrar Karachi, Digital Scan, dated respect of half portion of House No. 35, Karachi.

- C.** To grant permanent / perpetual injunction thereby restraining the Defendants, their servants, subordinates, agents and/or anybody else acting through them or on their behalf from mortgaging, alienating, gifting, further transferring/selling the above said properties, or to create third party interest in respect of the immoveable properties i.e. (1) House No. 35, Karachi, (2) House No. 39, Karachi, old address House No. 41 Karachi and (3) Rented Premises Shop No 9,Karachi, in any manner of whatsoever nature, except due course of law.
- D.** To appoint Nazir of this Hon'ble Court for partition & distribution of the above said properties, amongst legal heirs of deceased in accordance with the Muhammadan Law of inheritance and for handing over respective share of the plaintiffs in the suit properties to them.
- E.** Rendition of accounts of rental amount from Defendant No. 1 in respects of above properties, amount of earning of Shop No. 9, which is approximately to the tune of Rs.50,00,000/- or any other amounts lying with him or any other legal heirs to the date of filing this suit, directing the defendant No. 1 or any other legal heirs to render and give full accounts and deposit the same before Nazir of this Honorable Court and the parties be paid their respective

shares of the said amount according to the Muhammadan Law of Inheritance.

F. For all such further and / or other relief as the nature and circumstances of the case may reasonably legally or justly require be granted.

G. Cost of the suit.

Karachi:

Dated: -12-2020

Plaintiff No.1

Plaintiff No.2

Plaintiff No.3

Plaintiff No.4

Advocate for the Plaintiffs

VERIFICATION

We, (1) Mst. MB W/o IA, (2) Mst NF, (3) AF and (4) Mst QF, daughters of, Muslims, adults , resident of Karachi, the plaintiffs in the above matter and am well conversant with the facts of the case and on this ____ day of, at Karachi do hereby on Oath and verify the contents of the above paras, say the same are true to the best of our knowledge and belief.

Karachi:

Deponent No.1

THE COURT OF

SENIOR CIVIL JUDGE AT KARACHI WEST

Suit No. / 2020

Mst. MB & Others

Plaintiffs

VERSUS

Mr SA & Another

Defendants

LIST OF LEGAL HEIRS OF PLAINTIFFS

Plaintiff No.1

Plaintiff No.2

Plaintiff No.3

Plaintiff No.4

In case the death of the plaintiffs, the one of the above mentioned legal heirs of the plaintiffs shall intimate / inform this Hon'ble Court.

Karachi:

Dated: -12-2020

Advocate for the Plaintiffs.

**IN THE COURT OF SENIOR CIVIL JUDGE AT
KARACHI WEST**

Suit No. / 2020

Mst. MB & Others Plaintiffs

VERSUS

Mr SA & Another Defendants

ADDRESS FOR SERVICE OF THE PLAINTIFFS

Karachi:

Dated: -12-2020

Advocate for the Plaintiffs

**IN THE COURT OF SENIOR CIVIL JUDGE AT
KARACHI WEST**

Suit No. / 2020

Mst. MB & Others Plaintiffs

VERSUS

Mr SA & Another Defendants

APPLICATION UNDER ORDER XXXIX RULE 1 & 2 CPC
READ WITH SECTION 151 CPC

It is prayed on behalf of the Plaintiffs above named that this Honorable Court may graciously be pleased to restrain the Defendants, their servants, subordinates, agents and/or anybody else acting through them or on their behalf from mortgaging, alienating, gifting, further transferring/selling the following properties left by the deceased Ishtiaq Ahmed, or to create third party interest in respect of the following immovable properties in any manner of whatsoever nature, except due course of law in any manner or capacity whatsoever till the final decision of the Hon'ble Court in this regard: -

- a. House No. 35, Karachi
- b. House No. 41, Karachi.
- c. Rented Premises Shop No 9, Karachi

Ad-interim injunction is also solicited.

This application is prayed in the interest of justice.

Karachi

Dated -12-2020

Advocate for the Plaintiffs

**IN THE COURT OF SENIOR CIVIL JUDGE AT
KARACHI WEST**

Suit No. / 2020

Mst. MB & Others

Plaintiffs

VERSUS

Mr SA & Another

Defendants

**AFFIDAVIT IN SUPPORT OF APPLICATION UNDER ORDER
XXXIX RULE 1 & 2 CPC READ WITH SECTION 151 CPC**

I, Mst. MB W/o IA, Muslim, Adult, holding CNIC No. Resident of House No. 35Karachi, do hereby state on oath as under: -

1. That I am the Plaintiff No.1 in the above referred case and as such, am fully conversant with the facts of this case.
2. That I state that the accompanying application under Order XXXIX, Rules 1 & 2 C.P.C read with section 151 CPC has been drafted and filed under my specific instructions and for the sake of brevity, it is requested that the contents of the same may be treated as part and parcel of this affidavit.
3. That I say that the properties mentioned in the accompanying application are owned by deceased husband of me and father of other legal heirs are entitled to have their respective shares in accordance with Muhammandan Law of Inheritance.
4. That unless the accompanying application for interim injunction is allowed as prayed I shall be seriously prejudiced and shall suffer irreparable loss.
5. That whatever is stated above; is true and correct to the best of my knowledge, belief and information.

Karachi.
Dated

Deponent

**IN THE COURT OF SENIOR CIVIL JUDGE, WEST AT
KARACHI**

Civil Suit No. / 2023

1. ZA /Plaintiff 1
Son of RB (late),

Muslim, adult,
Karachi.

2. NM /Plaintiff 2
Son of RB (late),

Muslim, adult, resident ofKarachi.
Plaintiffs

VERSUS

1. Mst NJB / Defendant
D/o RB (late),
Muslim, adult, Karachi No.22

2. Mst ZB / Defendant
D/o RB (late),
Karachi.

3. Mst SB / Defendant
D/o RB (late),
Karachi.

4. MSAN / Defendant
S/o RB (Late),
Muslim, adult, resident of Karachi.

5. Mst NA / Defendant
D/o RB (late),
, Karachi.

6. Mst BB / Defendant
D/o RB (late),
Muslim, adult, resident of
Karachi.

7. Mst FB / Defendant
D/o RB (late),
Muslim, adult, resident ofKarachi.

8. Mst SB / Defendant

D/o RB (late),
Muslim, adult, resident of Karachi.

9. Mst S / Defendant
D/o MSA (Late)
Muslim, adult, resident of, Karachi.

10. Mst SJ / Defendant
D/o MSA (Late)
Muslim, adult, resident of Karachi.

11. Mst SD / Defendant
D/o MSA (Late)
Muslim, adult, resident of Karachi.

12. SQ / Defendant
S/o MSA (Late)
Muslim, adult, resident of Karachi.

13. Sub-Registrar ,
Karachi

Defendants

**SUIT FOR DECLARATION, CANCELLATION, ADMINISTRATION,
PARTITION, POSSESSION AND PERMANENT INJUNCTION**

The plaintiffs abovenamed most respectfully begs to submit as under:-

1. That the deceased Mr RB , was the father of plaintiffs No 1 & 2 and Defendant No.1 to 8, whereas the said Mr RB was grandfather of the defendant No. 9 to 12.

2. That the said deceased Mr RB was owner of the following properties: -

a. Plot No. 11, Karachi, admeasuring 107.70 square yards.

b. Plot No. 112 Karachi, admeasuring 88.88 square yards.

3. That it is further submitted that the said deceased Mr RB was also having 5 tola gold, Rs.20,00,000/- Cash and few plot files of residency in his possession which were kept in the locker and the said

locker is in possession of the defendant No. 7 & 8 as the deceased prior to his death was living with them in the said house.

4. That it is humbly submitted the said Mr RB and left behind the following surviving legal heirs, as next of his kin, kith, and successors:

SR.NO.	NAME OF HEIR	RELATIONSHIP	
1.	ZA /Plaintiff 1	Son	(Plaintiff No.1)
2.	NM /Plaintiff 2	Son	(Plaintiff No.2)
3.	Mst NJB / Defendant 1	Daughter	(Defendant No.1)
4. No.2)	Mst ZB / Defendant 1	Daughter	(Defendant
5. No.3)	Mst SB / Defendant 1	Daughter	(Defendant
6.	MSAN	Son	(Defendant No.4)
7. No.5)	Mst NA / Defendant 4	Daughter	(Defendant
8. No.6)	Mst BB / Defendant 5	Daughter	(Defendant
9. No.7)	Mst FB / Defendant 7	Daughter	(Defendant
10. No.8)	Mst SB / Defendant 6	Daughter	(Defendant
11.	MSA	Son	(Deceased)

(Copies of death certificate and FRC of legal heirs are attached herewith and marked as annexure P/ to P/)

5. That one son of deceased namely MSA (mentioned at serial No. 9 above) has expired on and he left behind the following persons as his surviving legal heirs: -

1. Mst S / Defendant 8 Daughter
(Defendant No.9)

2. Mst SJ / Defendant 9 Daughter

(Defendant No.10)

3. Mst SD / Defendant 10 Daughter

(Defendant No.11)

4. SD / Defendant 10 Son

(Defendant No.12)

6. That now the defendant No.1 to 12 are illegally occupied over the said properties left by the deceased. It is further submitted that the defendant No. 7 and 8 , who are the daughters of the deceased were in possession of the original title documents and they have illegally and unlawfully transferred one of the property i.e. Plot No. 112Karachi, admeasuring 88.88 square yards, in their favour through Gift Deed bearing registration No. , Book No I, dated before Sub Registrar , Karachi and MF Roll No. , Photo Registrar, Karachi, dated, in connivance with other defendants and they have illegally and unlawfully occupied the said properties in their possession and depriving the plaintiffs from their legal heirs from the said properties.

(Copy of the Gift deed is filed herewith and marked as annexure P/)

7. That the defendants No.1 to 12 trying to usurp the legal shares of the plaintiffs in the suit property and depriving them of their legal rights / share in the suit property.

8. That the suit properties are the inherited properties and all the legal heirs of the said deceased RB have their lawful legal shares in the same, therefore they are entitled to obtain their lawful shares in the suit properties through the process of this Hon'ble Court.

9. That the defendant No.7 & 8 on the basis of forged and bogus Gift Deed are trying to create third party interest in the property

bearing Plot No. 112, Karachi, admeasuring 88.88 square yards by depriving the legitimate and legal rights of the other legal heirs, therefore the defendant No.7 & 8 are liable to restrain from creating any third party interest in the suit property.

10. That the suit properties are original belongs to the deceased RB who was father of the defendant No.1 to 8 and plaintiffs and grandfather of defendant No. 9 to 12 are entitled to be declare the legal heirs of Mr. RB and also, they have their legal and lawful right in the suit property being inherited.

11. That under the circumstances stated above the plaintiffs claim that an account may be taken of the suit property and the same may be administered under the decree of this Hon'ble Court.

12. That the cause of action for filing the instant suit has arisen to the plaintiffs against the defendants firstly when defendant No.1 to 12 refused to give legal share to the plaintiffs in the suit properties, secondly when the defendant No. 7 & 8 obtain forged and bogus Gift Deed in their favour in connivance with other defendants and trying to usurp the legal shares of the plaintiffs and finally when the plaintiffs came to the know that the defendants are negotiating to sell out the suit properties and trying to usurp the legal rights of the plaintiffs in the suit property and the same cause of action still continued day to day till the instant suit is decreed as prayed.

13. That the suit property is situated within the territorial limits of P.S. , Karachi, which is within the jurisdiction of this Hon'ble Court.

14. That for the purpose of court fee & jurisdiction, the suit is properly stamped.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to pass judgement and decree in favour of the plaintiff and against the defendants in the following manner:

a). To declare that the plaintiffs being legal heirs of real deceased Mr RB are entitled to receive their respective share in the following properties, in accordance with the Muslim law of inheritance: -

a. Plot No. 115 Karachi, admeasuring 107.70 square yards.

b. Plot No. 112, Karachi, admeasuring 88.88 square yards.

c. 5 Tola Gold & Cash Rs.20,00,00/- (in possession of defendant No. 7 &8)

d. Plot Files of (in possession of defendant No. 7 &8)

b). To declare that the Gift Deed bearing registration No. , Book No I, dated 11-07-2009, before Sub Registrar , Karachi and MF Roll No. , Photo Registrar, Karachi, dated 14-09-2009 in respect of property bearing No. **Plot No. 112, Karachi, admeasuring 88.88 square yards**, prepared by the defendant No. 7 & 8, in connivance of other defendants is forged, false & bogus and the same is patently illegal, unlawful and against the lawful interests of the plaintiffs, is ab-initio void, based on fraud, malafide and of no legal effect / legal consequence, hence nullity in the eyes of law.

c). To cancel the Gift Deed bearing registration No. , Book No I, dated 11-07-2009, before Sub Registrar , Karachi and MF Roll No. , Photo Registrar, Karachi, dated 14-09-2009 in respect of property bearing No. Plot No. 112, Karachi, admeasuring 88.88 square yards, prepared by the defendant

No. 7 & 8, in connivance of other defendants and the defendant No.7 & 8 may be directed to produce the same before this Hon'ble Court.

d). To grant permanent / perpetual injunction thereby restraining the defendants, their servants, subordinates, agents and/or anybody else acting through them or on their behalf from mortgaging, alienating, gifting, further transferring/selling and/or disturbing physical possession of the plaintiffs over the suit properties, in any manner of whatsoever nature, except due course of law.

e). To pass a Judgment and Decree for the administration of the Suit property under the decree of this Hon'ble Court and on order may be passed for the partition & distribution of the following properties amongst all legal heirs of deceased Mr RB in accordance with the Muslim law of inheritance and for handing over respective share of the plaintiffs in the suit property to them:

- a. Plot No. 115 Karachi, admeasuring 107.70 square yards.
- b. Plot No. 112, Karachi, admeasuring 88.88 square yards.
- c. 5 Tola Gold & Cash of Rs.20,00,000/- (in possession of defendant No. 7 &8)
- d. Plot Files of (in possession of defendant No. 7 &8)

f). Cost of the suit and/or any other relief(s) which this Hon'ble Court may deem fit and proper under the circumstances of the case may also be awarded to the Plaintiffs.

Plaintiff No.1

Plaintiff No.2

Karachi.

Dated:

Advocate for the Plaintiffs

VERIFICATION

We, (1) ZA /Plaintiff 1 son of RB and (2) NM /Plaintiff 2 son of RB, both Muslims, Adults, R/o Karachi, the plaintiff No.1 & 2 in the above matter himself and on behalf of the other plaintiffs, do hereby solemnly affirm and verify that the contents of all the above paras including prayer clauses have been drafted as per my instructions and the same are true and correct to the best of my knowledge and belief.

Karachi:

**IN THE COURT OF SENIOR CIVIL JUDGE, WEST AT
KARACHI**

Civil Suit No. / 2023

ZA /Plaintiff 1 & Another

Plaintiffs

VERSUS

Mst NJB / Defendant 1 & Others

Defendants

**APPLICATION U/O XXXIX RULE 1 & 2 CPC,
R/W SECTION 151 CPC.**

For the facts and reasons disclosed in the accompanying affidavit, as well as in the memo of plaint, it is respectfully prayed on behalf of the plaintiffs abovenamed that this Hon'ble Court may graciously be pleased to grant interim injunction against the defendants thereby restraining the defendants, their agents, servants, employees, nominees, colleagues, persons, representatives, workers, attorneys and / or anybody else acting on their behalf or in their name from mortgaging, alienating, gifting, further transferring/selling and/or disturbing physical possession of the plaintiffs over the suit properties

i.e. (1) Plot No. 115 Karachi, admeasuring 107.70 square yards., (2) Plot No. 112, Karachi, admeasuring 88.88 square yards. (3) 5 Tola Gold & Cash of Rs.20,00,000/- and (4) Plot Files of , in any manner of whatsoever nature, except due course of law.

Ad-interim orders for maintaining status quo are solicited.

The prayer is made in the interest of justice.

Karachi:

Dated: **Advocate for the Plaintiffs**

For immediate use in Court
On behalf of the plaintiffs

**IN THE COURT OF SENIOR CIVIL JUDGE, WEST AT
KARACHI**

Civil Suit No. / 2023

ZA /Plaintiff 1 & Another

Plaintiffs

VERSUS

Mst NJB / Defendant 1 & Others

Defendants

AFFIDAVIT

I, ZA /Plaintiff 1 son of RB, Muslim, Adult, R/o Karachi, do hereby state
on Oath as under: -

1. That I am plaintiff No.1 in the above titled suit and deponent of
this affidavit, as such am fully conversant with the facts of the matter
deposed to below.

2. That the accompanying application U/o 39, Rule 1 & 2 CPC R/w
Section 151 CPC has been drafted and filed under my instructions &

on my behalf as well as on behalf of other plaintiffs, the contents whereof are true and correct and the same alongwith contents of the memo of plaint may please be treated as a part of this affidavit for the sake of brevity.

3. That I say that under the facts and circumstances mentioned in the accompanying application as well as in the main memo of plaint, the plaintiffs have serious apprehension that if the defendants will not restrain by this Hon'ble Court, then the defendants will succeeded to create third party interest in the suit property.

4. That I say that the plaintiffs have a good prima facie case and the balance of convenience lies in our favour

5. That I say that until and unless accompanying application is granted as prayed I as well as other plaintiffs will be seriously prejudiced and shall suffer irreparable loss.

6. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated: -10-2023

DEPONENT

**IN THE COURT OF SENIOR CIVIL JUDGE, WEST AT
KARACHI**

Civil Suit No. / 2023

ZA /Plaintiff 1 & Another

Plaintiffs

VERSUS

Mst NJB / Defendant 1 & Others

Defendants

AFFIDAVIT

I, NM /Plaintiff 2 son of RB, Muslim, Adult, R/o Karachi, do hereby state on Oath as under: -

1. That I am plaintiff No.2 in the above titled suit and deponent of this affidavit, as such am fully conversant with the facts of the matter deposed to below.
2. That the accompanying application U/o 39, Rule 1 & 2 CPC R/w Section 151 CPC has been drafted and filed under my instructions & on my behalf as well as on behalf of other plaintiffs, the contents whereof are true and correct and the same alongwith contents of the memo of plaint may please be treated as a part of this affidavit for the sake of brevity.
3. That I say that under the facts and circumstances mentioned in the accompanying application as well as in the main memo of plaint, the plaintiffs have serious apprehension that if the defendants will not restrain by this Hon'ble Court, then the defendants will succeeded to create third party interest in the suit property.

4. That I say that the plaintiffs have a good prima facie case and the balance of convenience lies in our favour.

5. That until and unless accompanying application is granted as prayed I as well as other plaintiff will be seriously prejudiced and shall suffer irreparable loss.

6. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated: -10-2023

DEPONENT

**IN THE COURT OF SENIOR CIVIL JUDGE, WEST AT
KARACHI**

Civil Suit No. / 2023

ZA /Plaintiff 1 & Another

Plaintiffs

VERSUS

Mst NJB / Defendant 1 & Others

Defendants

ADDRESS FOR SERVICE OF THE PLAINTIFFS

ZA /Plaintiff 1 Son of RB (late),

Karachi

Karachi:

Dated: -10-2023

Advocate for the Plaintiffs

**IN THE COURT OF SENIOR CIVIL JUDGE, WEST AT
KARACHI**

Civil Suit No. / 2023

ZA /Plaintiff 1 & Another

Plaintiffs

VERSUS

Mst NJB / Defendant 1 & Others

Defendants

APPLICATION U/S 149 CPC

It is most respectfully submitted on behalf of the plaintiffs abovenamed that this Hon'ble Court be graciously pleased to grant temporary leave of the Court of submit the Court fee of Rs._____-/- , as the plaintiffs are unable to submit the same by the prescribed time granted by the Court as the appellant will suffer irreparable loss if the time for one month from today will not be extended in the interest of justice and equity.

Therefore it is prayed in the interest of justice and equity that the plaintiff be allowed to submit the Court fee.

This prayer is made in the larger interest of justice.

Karachi.

Dated: -10-2023

Advocate for the Plaintiffs

**IN THE COURT OF SENIOR CIVIL JUDGE, WEST AT
KARACHI**

Civil Suit No. / 2023

ZA /Plaintiff 1 & Another

Plaintiffs

VERSUS

Mst NJB / Defendant 1 & Others

Defendants

AFFIDAVIT

I, ZA /Plaintiff 1 son of RB, Muslim, Adult, R/o Karachi, do hereby state
on Oath as under: -

1. That I am Counsel of the Plaintiff No.1 in the above matter
hence fully conversant with the facts of the case
2. That I say that plaintiffs undertake to submit the Court fee in this
Hon'ble Court, in mean while my suit way may please be admitted.
3. That I say that I may please be granted leave and allowed to
submit the Court fee in the pendency of suit.
4. That I say that for the sake of brevity the contents of the
accompanying application, those are true and correct drafted
under my instructions, may be treated as part and parcel of this
affidavit.
5. That I say that I have got good prima facie case, balance of
convenience is also in my favour and until and unless the

accompanying application is granted, I and other plaintiff will suffer irreparable losses and will be seriously prejudiced.

6. That unless the accompanying application is granted I and another plaintiff will suffer irreparable loss.

7. That whatsoever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated: -10-2023

DEPONENT

**IN THE COURT OF SENIOR CIVIL JUDGE, WEST AT
KARACHI**

Civil Suit No. / 2023

ZA /Plaintiff 1 & Another

Plaintiffs

VERSUS

Mst NJB / Defendant 1 & Others

Defendants

LIST OF LEGAL HEIRS OF PLAINTIFFS

Plaintiff No.1

Plaintiff No.2

Karachi:

Dated: -10-2023

Advocate for the Plaintiffs

**IN THE COURT OF SENIOR CIVIL JUDGE, WEST AT
KARACHI**

Civil Suit No. / 2023

1. Zaheer Ahmed
Son of Rahim Baig (late),
Holding CNIC No. 42401-1963029-5
Muslim, adult, resident of House No.6
Data Nagar, Orangi Town,, Sector 8/A
Karachi.

2. Nazar Muhammad
Son of Rahim Baig (late),
Holding CNIC No. 42401-6847374-1
Muslim, adult, resident of House No.6
Data Nagar, Orangi Town, Sector 8/A
Karachi.

Plaintiffs

VERSUS

1. Mst Noor Jahan Bano
D/o Rahim Baig (late),
Holding CNIC No. 42401-9366179-6
Muslim, adult, resident of House No.111
Murghi Khana, Jamal Ibrahim Arfat Town,
Karachi No.22

2. Mst Zubaida Bano
D/o Rahim Baig (late),
Holding CNIC No. 42401-4037442-2
Muslim, adult, resident of
House No. L/72, Sector 4/A,
Surjani Twon, Karachi.

3. Mst Saima Baig
D/o Rahim Baig (late),
Holding CNIC No. 42401-1494881-6
Muslim, adult, resident of Flat No. A8
Home No.120, Al Mustafa Square
Block 14, Gulshan-e-Iqbal,
Karachi.

4. Muhammad Shamsheer Alias Nasir
S/o Rahim Baig (Late),
Muslim, adult, resident of House No.1129
Sheet No.1, Data Nagar, Sector 8/A,
Orangi Town, Karachi.

5. Mst Nasira Ali
D/o Rahim Baig (late),
Holding CNIC No. 42401-3917822-4
Muslim, adult, resident of House No.508
Block-10, Kamran Chowrangi,
Gulistan-e-Jauhar, Karachi.
6. Mst Bilqees Bano
D/o Rahim Baig (late),
Holding CNIC No. 42401-4450409-8
Muslim, adult, resident of House No.578
Sector 7/F, Baloch Colony
Shah Faisal Mohalla, Orangi Town
Karachi.
7. Mst Fatima Bano
D/o Rahim Baig (late),
Holding CNIC No. 42401-0413027-8
Muslim, adult, resident of House No.1129
Sheet No.1, Data Nagar, Sector 8/A,
Orangi Town, Karachi.
8. Mst Shakira Bano
D/o Rahim Baig (late),
Holding CNIC No. 42501-2074803-8
Muslim, adult, resident of House No.1129
Sheet No.1, Data Nagar, Sector 8/A,
Orangi Town, Karachi.
9. Mst Samina
D/o Mirza Sabir Ali (Late)
Muslim, adult, resident of House No.1129
Sheet No.1, Data Nagar, Sector 8/A,
Orangi Town, Karachi.
10. Mst Sajida
D/o Mirza Sabir Ali (Late)
Muslim, adult, resident of House No.1129
Sheet No.1, Data Nagar, Sector 8/A,
Orangi Town, Karachi.
11. Mst Sadaf
D/o Mirza Sabir Ali (Late)
Muslim, adult, resident of House No.1129
Sheet No.1, Data Nagar, Sector 8/A,
Orangi Town, Karachi.
12. Sadaq
S/o Mirza Sabir Ali (Late)
Holding CNIC No.42401-1589210-3
Muslim, adult, resident of House No.1129
Sheet No.1, Data Nagar, Sector 8/A,
Orangi Town, Karachi.

13. Sub-Registrar Orangi Town,
Karachi

Defendants

**SUIT FOR DECLARATION, CANCELLATION, ADMINISTRATION,
PARTITION, POSSESSION AND PERMANENT INJUNCTION**

The plaintiffs abovenamed most respectfully begs to submit as under:-

1. That the deceased Mr Rahim Baig son of Gulshan Baig, was the father of plaintiffs No 1 & 2 and Defendant No.1 to 8, whereas the said Mr Rahim Baig son of Gulshan Baig was grandfather of the defendant No. 9 to 12.

2. That the said deceased Mr Rahim Baig son of Ghulshan Baig was owner of the following properties: -

a. Plot No. 1115, Sheet No.1, Sector No.8, Data Nagar, Orangi Township, Karachi, admeasuring 107.70 square yards.

b. Plot No. 1129, Sheet No.1, Sector No.8/A, Data Nagar, Orangi Township, Karachi, admeasuring 88.88 square yards.

(Photocopies of Lease Deed in respect of Plot No. 1115 at serial No. a, above, K-Electric and Sui Gas bills of the property at serial No. b are enclosed herewith as annexure P/1 to P/ .)

3. That it is further submitted that the said deceased Mr Rahim Baig was also having 5 tola gold, Rs.20,00,000/- Cash and few plot files of Kaneez Fatima residency in his possession which were kept in the locker and the said locker is in possession of the defendant No. 7 & 8 as the deceased prior to his death was living with them in the said house.

4. That it is humbly submitted the said Mr Rahim Baig son of Gulshan Baig died on 12 June 2016 and left behind the following surviving legal heirs, as next of his kin, kith, and successors:

SR.NO.	NAME OF HEIR	RELATIONSHIP	
1.	Zaheer Ahmed	Son	(Plaintiff No.1)
2.	Nazar Muhammad	Son	(Plaintiff No.2)
3.	Mst Noor Jahan Bano	Daughter	(Defendant No.1)
4.	Mst Zubaida Bano	Daughter	(Defendant No.2)
5.	Mst Saima Baig	Daughter	(Defendant No.3)
6.	Muhammad Shamsher Alias Nasir	Son	(Defendant No.4)
7.	Mst Nasira Ali	Daughter	(Defendant No.5)
8.	Mst Bilqees Bano	Daughter	(Defendant No.6)
9.	Mst Fatima Bano	Daughter	(Defendant No.7)
10.	Mst Shakira Bano	Daughter	(Defendant No.8)
11.	Mirza Sabir Ali	Son	(Deceased)

(Copies of death certificate and FRC of legal heirs are attached herewith and marked as annexure P/ to P/)

5. That one son of deceased namely Mirza Sabir Ali (mentioned at serial No. 9 above) has expired on 15 June 2021 and he left behind the following persons as his surviving legal heirs: -

1.	Mst Samina	Daughter	(Defendant No.9)
2.	Mst Sajida	Daughter	(Defendant No.10)
3.	Mst Sadaf	Daughter	(Defendant No.11)
4.	Sadaf	Son	(Defendant No.12)

(Copy of death certificate of the deceased Mirza Sabir Ali is attached herewith and marked as annexure P/)

6. That now the defendant No.1 to 12 are illegally occupied over the said properties left by the deceased. It is further submitted that the defendant No. 7 and 8 , who are the daughters of the deceased were in possession of the original title documents and they have illegally and unlawfully transferred one of the property i.e. Plot No. 1129, Sheet No.1, Sector No.8/A, Data Nagar, Orangi Township, Karachi, admeasuring 88.88 square yards, in their favour through Gift Deed bearing registration No. 6607, Book No I, dated 11-07-2009, before Sub Registrar Orangi Town, Karachi and MF Roll No. 4943, Photo Registrar, Karachi, dated 14-09-2009, in connivance with other defendants and they have illegally and unlawfully occupied the said properties in their possession and depriving the plaintiffs from their legal heirs from the said properties.

(Copy of the Gift deed is filed herewith and marked as annexure P/)

7. That the defendants No.1 to 12 trying to usurp the legal shares of the plaintiffs in the suit property and depriving them of their legal rights / share in the suit property.

8. That the suit properties are the inherited properties and all the legal heirs of the said deceased Rahim Baig son of Gulshan Baig have their lawful legal shares in the same, therefore they are entitled to obtain their lawful shares in the suit properties through the process of this Hon'ble Court.

9. That the defendant No.7 & 8 on the basis of forged and bogus Gift Deed are trying to create third party interest in the property bearing Plot No. 1129, Sheet No.1, Sector No.8/A, Data Nagar, Orangi Township, Karachi, admeasuring 88.88 square yards by depriving the legitimate and legal rights of the other legal heirs,

therefore the defendant No.7 & 8 are liable to restrain from creating any third party interest in the suit property.

10. That the suit properties are original belongs to the deceased Rahim Baig who was father of the defendant No.1 to 8 and plaintiffs and grandfather of defendant No. 9 to 12 are entitled to be declare the legal heirs of Mr. Rahim Baig and also, they have their legal and lawful right in the suit property being inherited.

11. That under the circumstances stated above the plaintiffs claim that an account may be taken of the suit property and the same may be administered under the decree of this Hon'ble Court.

12. That the cause of action for filing the instant suit has arisen to the plaintiffs against the defendants firstly when defendant No.1 to 12 refused to give legal share to the plaintiffs in the suit properties, secondly when the defendant No. 7 & 8 obtain forged and bogus Gift Deed in their favour in connivance with other defendants and trying to usurp the legal shares of the plaintiffs and finally when the plaintiffs came to the know that the defendants are negotiating to sell out the suit properties and trying to usurp the legal rights of the plaintiffs in the suit property and the same cause of action still continued day to day till the instant suit is decreed as prayed.

13. That the suit property is situated within the territorial limits of P.S. _____, Karachi, which is within the jurisdiction of this Hon'ble Court.

14. That for the purpose of court fee & jurisdiction, the suit is properly stamped.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to pass judgement and decree in favour of the plaintiff and against the defendants in the following manner:

- a). To declare that the plaintiffs being legal heirs of real deceased Mr Rahim Baig son of Gulshan Baig are entitled to receive their respective share in the following properties, in accordance with the Muslim law of inheritance: -
 - a. Plot No. 1115, Sheet No.1, Sector No.8, Data Nagar, Orangi Township, Karachi, admeasuring 107.70 square yards.
 - b. Plot No. 1129, Sheet No.1, Sector No.8/A, Data Nagar, Orangi Township, Karachi, admeasuring 88.88 square yards.
 - c. 5 Tola Gold & Cash Rs.20,00,00/- (in possession of defendant No. 7 &8)
 - d. Plot Files of Kaneez Fatima Housing Project (in possession of defendant No. 7 &8)
- b). To declare that the Gift Deed bearing registration No. 6607, Book No I, dated 11-07-2009, before Sub Registrar Orangi Town, Karachi and MF Roll No. 4943, Photo Registrar, Karachi, dated 14-09-2009 in respect of property bearing No. **Plot No. 1129, Sheet No.1, Sector No.8/A, Data Nagar, Orangi Township, Karachi, admeasuring 88.88 square yards**, prepared by the defendant No. 7 & 8, in connivance of other defendants is forged, false & bogus and the same is patently illegal, unlawful and against the lawful interests of the plaintiffs, is ab-initio void, based on fraud, malafide and of no legal effect / legal consequence, hence nullity in the eyes of law.

- c). To cancel the Gift Deed bearing registration No. 6607, Book No I, dated 11-07-2009, before Sub Registrar Orangi Town, Karachi and MF Roll No. 4943, Photo Registrar, Karachi, dated 14-09-2009 in respect of property bearing No. Plot No. 1129, Sheet No.1, Sector No.8/A, Data Nagar, Orangi Township, Karachi, admeasuring 88.88 square yards, prepared by the defendant No. 7 & 8, in connivance of other defendants and the defendant No.7 & 8 may be directed to produce the same before this Hon'ble Court.
- d). To grant permanent / perpetual injunction thereby restraining the defendants, their servants, subordinates, agents and/or anybody else acting through them or on their behalf from mortgaging, alienating, gifting, further transferring/selling and/or disturbing physical possession of the plaintiffs over the suit properties, in any manner of whatsoever nature, except due course of law.
- e). To pass a Judgment and Decree for the administration of the Suit property under the decree of this Hon'ble Court and on order may be passed for the partition & distribution of the following properties amongst all legal heirs of deceased Mr Rahim Baig son of Gulshan Baig in accordance with the Muslim law of inheritance and for handing over respective share of the plaintiffs in the suit property to them:
 - a. Plot No. 1115, Sheet No.1, Sector No.8, Data Nagar, Orangi Township, Karachi, admeasuring 107.70 square yards.

- b. Plot No. 1129, Sheet No.1, Sector No.8/A, Data Nagar, Orangi Township, Karachi, admeasuring 88.88 square yards.
- c. 5 Tola Gold & Cash of Rs.20,00,000/- (in possession of defendant No. 7 &8)
- d. Plot Files of Kaneez Fatima Housing Project (in possession of defendant No. 7 &8)
- f). Cost of the suit and/or any other relief(s) which this Hon'ble Court may deem fit and proper under the circumstances of the case may also be awarded to the Plaintiffs.

Plaintiff No.1

Plaintiff No.2

Karachi.

Dated: -10-2023

Advocate for the Plaintiffs

VERIFICATION

We, (1) Zaheer Ahmed son of Rahim Baig and (2) Nazar Muhammad son of Rahim Baig, both Muslims, Adults, R/o Karachi, the plaintiff No.1 & 2 in the above matter himself and on behalf of the other plaintiffs, do hereby solemnly affirm and verify that the contents of all the above paras including prayer clauses have been drafted as per my instructions and the same are true and correct to the best of my knowledge and belief.

Karachi:

Dated: -10-2023

Deponent No.1

Deponent No.2

DOCUMENT FILED

As per annexures.

DOCUMENTS RELIED UPON

Original of the Annexures, and all other relevant documents.

ADDRESS OF THE PARTIES

As in Title.

ADDRESS FOR SERVICE OF PLAINTIFF'S COUNSEL.

As in Vakalatnama.

**IN THE COURT OF SENIOR CIVIL JUDGE, WEST AT
KARACHI**

Civil Suit No. / 2023

Zaheer Ahmed & Another

Plaintiffs

VERSUS

Mst Noor Jahan Bano & Others

Defendants

APPLICATION U/O XXXIX RULE 1 & 2 CPC,
R/W SECTION 151 CPC.

For the facts and reasons disclosed in the accompanying affidavit, as well as in the memo of plaint, it is respectfully prayed on behalf of the plaintiffs abovenamed that this Hon'ble Court may graciously be pleased to grant interim injunction against the defendants thereby restraining the defendants, their agents, servants, employees, nominees, colleagues, persons, representatives, workers, attorneys and / or anybody else acting on their behalf or in their name from mortgaging, alienating, gifting, further transferring/selling and/or disturbing physical possession of the plaintiffs over the suit properties i.e. (1) Plot No. 1115, Sheet No.1, Sector No.8, Data Nagar, Orangi Township, Karachi, admeasuring 107.70 square yards., (2) Plot No. 1129, Sheet No.1, Sector No.8/A, Data Nagar, Orangi Township, Karachi, admeasuring 88.88 square yards. (3) 5 Tola Gold & Cash of Rs.20,00,000/- and (4) Plot Files of Kaneez Fatima Housing Project, in any manner of whatsoever nature, except due course of law.

Ad-interim orders for maintaining status quo are solicited.

The prayer is made in the interest of justice.

Karachi:

Dated: -10-2023

Advocate for the Plaintiffs

For immediate use in Court
On behalf of the plaintiffs

**IN THE COURT OF SENIOR CIVIL JUDGE, WEST AT
KARACHI**

Civil Suit No. / 2023

Zaheer Ahmed & Another

Plaintiffs

VERSUS

Mst Noor Jahan Bano & Others

Defendants

AFFIDAVIT

I, Zaheer Ahmed son of Rahim Baig, Muslim, Adult, R/o
Karachi, do hereby state on Oath as under: -

1. That I am plaintiff No.1 in the above titled suit and deponent of
this affidavit, as such am fully conversant with the facts of the matter
deposed to below.

2. That the accompanying application U/o 39, Rule 1 & 2 CPC
R/w Section 151 CPC has been drafted and filed under my
instructions & on my behalf as well as on behalf of other plaintiffs,
the contents whereof are true and correct and the same alongwith
contents of the memo of plaint may please be treated as a part of
this affidavit for the sake of brevity.

3. That I say that under the facts and circumstances mentioned
in the accompanying application as well as in the main memo of
plaint, the plaintiffs have serious apprehension that if the defendants

will not restrain by this Hon'ble Court, then the defendants will succeeded to create third party interest in the suit property.

4. That I say that the plaintiffs have a good prima facie case and the balance of convenience lies in our favour

5. That I say that until and unless accompanying application is granted as prayed I as well as other plaintiffs will be seriously prejudiced and shall suffer irreparable loss.

6. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated: -10-2023

DEPONENT

**IN THE COURT OF SENIOR CIVIL JUDGE, WEST AT
KARACHI**

Civil Suit No. / 2023

Zaheer Ahmed & Another

Plaintiffs

VERSUS

Mst Noor Jahan Bano & Others

Defendants

AFFIDAVIT

I, Nazar Muhammad son of Rahim Baig, Muslim, Adult, R/o Karachi, do hereby state on Oath as under: -

1. That I am plaintiff No.2 in the above titled suit and deponent of this affidavit, as such am fully conversant with the facts of the matter deposed to below.
2. That the accompanying application U/o 39, Rule 1 & 2 CPC R/w Section 151 CPC has been drafted and filed under my instructions & on my behalf as well as on behalf of other plaintiffs, the contents whereof are true and correct and the same alongwith contents of the memo of plaint may please be treated as a part of this affidavit for the sake of brevity.
3. That I say that under the facts and circumstances mentioned in the accompanying application as well as in the main memo of plaint, the plaintiffs have serious apprehension that if the defendants will not restrain by this Hon'ble Court, then the defendants will succeeded to create third party interest in the suit property.

4. That I say that the plaintiffs have a good prima facie case and the balance of convenience lies in our favour.

5. That until and unless accompanying application is granted as prayed I as well as other plaintiff will be seriously prejudiced and shall suffer irreparable loss.

6. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated: -10-2023

DEPONENT

**IN THE COURT OF SENIOR CIVIL JUDGE, WEST AT
KARACHI**

Civil Suit No. / 2023

Zaheer Ahmed & Another

Plaintiffs

VERSUS

Mst Noor Jahan Bano & Others

Defendants

ADDRESS FOR SERVICE OF THE PLAINTIFFS

Zaheer Ahmed Son of Rahim Baig (late),
Holding CNIC No. 42401-1963029-5
Resident of House No.6
Data Nagar, Orangi Town, Sector 8/A
Karachi

Karachi:

Dated: -10-2023

Advocate for the Plaintiffs

**IN THE COURT OF SENIOR CIVIL JUDGE, WEST AT
KARACHI**

Civil Suit No. / 2023

Zaheer Ahmed & Another

Plaintiffs

VERSUS

Mst Noor Jahan Bano & Others

Defendants

APPLICATION U/S 149 CPC

It is most respectfully submitted on behalf of the plaintiffs abovenamed that this Hon'ble Court be graciously pleased to grant temporary leave of the Court of submit the Court fee of Rs._____-/-, as the plaintiffs are unable to submit the same by the prescribed time granted by the Court as the appellant will suffer irreparable loss if the time for one month from today will not be extended in the interest of justice and equity.

Therefore it is prayed in the interest of justice and equity that the plaintiff be allowed to submit the Court fee.

This prayer is made in the larger interest of justice.

Karachi.

Dated: -10-2023

Advocate for the Plaintiffs

**IN THE COURT OF SENIOR CIVIL JUDGE, WEST AT
KARACHI**

Civil Suit No. / 2023

Zaheer Ahmed & Another

Plaintiffs

VERSUS

Mst Noor Jahan Bano & Others

Defendants

AFFIDAVIT

I, Zaheer Ahmed son of Rahim Baig, Muslim, Adult, R/o
Karachi, do hereby state on Oath as under: -

1. That I am Counsel of the Plaintiff No.1 in the above matter hence fully conversant with the facts of the case
2. That I say that plaintiffs undertake to submit the Court fee in this Hon'ble Court, in mean while my suit way may please be admitted.
3. That I say that I may please be granted leave and allowed to submit the Court fee in the pendency of suit.
4. That I say that for the sake of brevity the contents of the accompanying application, those are true and correct drafted under my instructions, may be treated as part and parcel of this affidavit.
5. That I say that I have got good prima facie case, balance of convenience is also in my favour and until and unless the

accompanying application is granted, I and other plaintiff will suffer irreparable losses and will be seriously prejudiced.

6. That unless the accompanying application is granted I and another plaintiff will suffer irreparable loss.

7. That whatsoever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated: -10-2023

DEPONENT

**IN THE COURT OF SENIOR CIVIL JUDGE, WEST AT
KARACHI**

Civil Suit No. / 2023

Zaheer Ahmed & Another

Plaintiffs

VERSUS

Mst Noor Jahan Bano & Others

Defendants

LIST OF LEGAL HEIRS OF PLAINTIFFS

Plaintiff No.1

Plaintiff No.2

Karachi:

Dated: -10-2023

Advocate for the Plaintiffs

**IN THE COURT OF SENIOR CIVIL JUDGE AT KARACHI
CENTRAL**

Civil Suit No. /2023

Mst ME wife of SA
Muslim, Adult,
Resident of House
Karachi

Plaintiff

VERSUS

ZK son of MSK
Muslim, adult,
Karachi.

Defendant

**SUIT FOR RECOVERY OF AMOUNT RS.16,80,000/-
(RUPEES SIXTEEN LACS AND EIGHTY TOUSAND
ONLY) AND DAMAGES**

MAY IT PLEASE YOUR HONOUR:-

1. That the plaintiff is a religious, housewife, law abiding and peace-loving citizen of Islamic Republic of Pakistan and is residing at above mentioned addresses along with her family as such she enjoys a good reputation among her family member and further, she never indulged in any illegal and unlawful activities.
2. That it is submitted that on the assurance of the defendant that he is lawful owner of a House No. 17, Karachi, admeasuring 18.95 square yard, hereinafter referred to as the “**Said Property**”, and he wanted to sell out the same, the plaintiff approached the said defendant and showed her consent to purchase the same. In this regard an agreement of sale dated was executed between the parties for an amount of Rs.30,00,000/-. It is further submitted that the plaintiff paid an amount

of Rs.16,80,000/- out of the total sale consideration to the said defendant and the defendant promised her to deliver the vacant possession of the property within four months of the execution of the said agreement of sale along with title documents of the said property and the remaining amount was required to be paid at the time of delivery of possession and title documents of the said property.

(Copy of Sale Agreement is filed herewith and marked as annexure P/1)

0. That thereafter the plaintiff approached the defendant time and again and requested him to deliver the possession along with title documents to the plaintiff but he kept on tolerating the plaintiff on one pretext or the other and on persistent request by the plaintiff for delivery of possession of the said property, the defendant refused for the same which later transpired that he has sold out the said property to someone on higher rates.

0. That , thereafter the plaintiff approached him for return of her amount of Rs.16,80,000/- and against the said amount he delivered a cheque bearing, of Bank, for an amount of Rs.10,00,000/- and also an agreement for return of the above said amount was executed between the plaintiff and the defendant. It is further submitted that the defendant also promised that he would return the remaining amount after encashment of the said cheque. The plaintiff deposited the said cheque in her drawer bank, but the same was returned / bounced due to insufficient funds in the bank of the defendant. It is further submitted that the

(Copies of cheque and memo of bank and agreement for return of amount are attached and marked as annexure P/ to P/)

0. That thereafter the plaintiff time and again approached the defendant and requested for return of her amount but he tolerated on one pretext or the other and till to date failed and neglected to pay the said amount.

0. That on, the plaintiff submitted an application to the concerned police station / respondent No.1 and requested for legal action against the defendant, and copy of the same was also forwarded to the highups of police department but no action has been taken against him and he is wandering freely and by cheating and fraud has misappropriated and usurped the amount of the plaintiff and getting the benefit from the said amount.

7. That thereafter the plaintiff filed Cr. Misc. Application No. before the Honorable Court of District and Session Judge West at Karachi for registration of FIR against the above said Cheque which is pending for adjudication of the case.

(Copy of the Cr. Misc. App. No. along with annexures are filed herewith and marked as annexure P/ to P/)

8. That it is humbly submitted that it has also transpired that the defendant filed a civil for Declaration & Cancellation of Cheque and Documents being Civil Suit No. , for in the court of X-th Senior Civil Judge at Karachi Central against the plaintiff, which is pending for adjudication. It is further submitted that the defendant in para 8 of the

said suit admitted the execution of sale agreement dated The contents of para 8 of the above suit is reproduced as under: -

8. In, Mr Shahid approached the plaintiff and offered to pay the remaining amount if the plaintiff signed a sale agreement with defendant No.1 (plaintiff) on his behalf, with Mr Shahid being responsible for the payment. Under pressure from Mr Shahid, the plaintiff signed the agreement with the defendant No. 1 (plaintiff) on.

9. That it is further submitted that it is also stated in the said para that **“Despite repeated attempts by the plaintiff (defendant) to contact Mr. Shahid, he failed to full his ends of the transaction and pay the remaining amount”**, which clearly depicts that he has received the above amount of Rs.16,80,000/- from the vendee and demanding for remaining amount.

(Copies of the plaint along with annexure are filed herewith and marked as annexure P /)

10. That the acts & omissions of the Defendant, per description the Plaintiff, has caused serious mental torture, agony & perplexities to the Plaintiff & also disgraced, disrepute & lower down the status of the Plaintiff, for which, the Defendant is liable to compensate or pay damages to the Plaintiff to the tune of Rs. 50,00,000/-.

11. That the cause of action firstly accrued when the plaintiff was entered into an agreement of sale with the defendant dated , secondly when the defendant failed to transfer the said property , and promised to return the amount , thirdly when he issued cheque for an amount of Rs.10,00,000/- , which was bounced and also failed to pay the

remaining amount & thereafter continuous day to day till today within the local limits of P.S. _____, Karachi which falls under the jurisdiction of this Hon'ble Court.

12. That for the purpose of jurisdiction & court fee the suit is valued for recovery of amount of Rs.16,80,000/- and Rs.50,00,000/- for damages, as such maximum court fee has been paid herewith.

P R A Y E R

It is, therefore, respectfully prayed in this Hon'ble Court that to pass the Judgment and Decree against the defendants and in favour of plaintiff as under:

1. To direct the defendant to pay an amount of Rs.16,80,000/- paid by the plaintiff against sale agreement dated along with markup at the prevailing bank rate w.e.f till realization of the amount.
2. To direct the defendant to pay an amount of Rs.50,00,000/- as compensation/damages to the plaintiff in respect of damages as per the detail in memo of plaint.
3. Any other relief which this honorable court deems fit and appropriate in favour of the plaintiff may also be awarded.
4. Cost of the suit.

Karachi
Dated

Plaintiff

Advocate for the Plaintiff

VERIFICATION:

I, Mst ME wife of SA, Muslim, Adult, R/o Karachi, the plaintiff in the above matter and am well conversant with the facts of the case and do hereby on Oath and verify the contents of the above paras, say the same are true to the best of my knowledge and belief.

Karachi:

IN THE COURT OF SR. CIVIL JUDGE EAST AT KARACHI

Civil Suit No. / 2023

Mst TI Wife of IA,
Muslim, Adult, through her constituted attorney
Mr SI son of IA
Muslim, Adult,, Karachi Plaintiff

VERSUS

1. Mr KMN
Son of KAJ
Muslim, adult, Resident of
Karachi

2.
Karachi Development Authority
Defendants

**SUIT FOR DECLARATION, SPECIFIC PERFORMANCE
& PERMANENT INJUNCTION**

The plaintiff through her duly constituted attorney
abovenamed most respectfully begs to submit as under: -

1. That the plaintiff is an edified, respectable, and law-abiding citizen of Islamic Republic of Pakistan and is residing at the above said address along with her family. It is humbly submitted that the plaintiff is a housewife / household lady as such earns a good reputation among her family and relatives.
2. That plaintiff entered into a sale agreement with defendant for purchase of an immoveable property i.e.,
Plot No. , Karachi, measuring 60 Square Yards,
hereinafter referred to as the Said Property, for a

total sale consideration of Rs.80,000/- (Rupees Eighty Thousand only) on or about

(Copies of Sale Agreement and Title Documents are filed herewith and marked as annexure P/ 1 to P/)

3. That by the above agreement dated , executed between defendant and plaintiff, defendant had agreed to sell, convey, assign, and transfer all his rights, title and interest in the property bearing Plot No. , Karachi, measuring 60 Square Yards, to plaintiff in total sale consideration of Rs.80,000/-. It is humbly submitted that at the time of execution of sale agreement, plaintiff paid an amount of Rs. 70,000/- on the day of execution of sale agreement being earnest money and as per the above said agreement of sale, plaintiff was required to make the remaining amount of Rs.10,000/- at the time of transfer the said property in favour of plaintiff. It is pertinent to mention that defendant at the time of execution of sale agreement and receiving the above said amount of sale proceed, delivered the peaceful and vacant possession of the said property to plaintiff and since then the plaintiff has been living in the said property.

4. That in performance of the part of contract / Agreement on her part, the plaintiff paid an amount to the tune of Rs.70,000/- as per stipulation in the sale agreement and is ready to pay the remaining amount of

Rs.10,000/- at the time of execution of sale deed / transfer of the said property in her favour but the defendant failed and neglected to perform his part of contract.

5. That despite the lapse of many years, defendant were many times approached by plaintiff directly or through common well-wishers, but defendant avoided and neglected and kept plaintiff on false hopes and promises and defendant failed and neglected to transfer the said property in favour of plaintiff as such plaintiff is facing hardship due to the above said acts and omission of acts of the defendant. It is further submitted that the defendant is bound for execution and registration of sale deed in favour of plaintiff in the office of concerned Sub-Registrar/ defendant No.2, Karachi as stated in the said agreement.

6. That after execution of the sale agreement and delivery of possession of the said property, plaintiff from time to time approached defendant and requested defendant orally to complete the sale of the said property in accordance with the terms of sale agreement and execute proper registration document i.e. Sale Deed/ Conveyance Deed in favour of plaintiff but defendant are avoiding to do so on one pretext or the other knowingly very well that plaintiff has already performed his part of contract by making the whole sale

consideration to defendant except Rs.10,000/- but defendant have failed for registration of sale deed in favour of plaintiff.

7. That on or about in the month of , the defendant along with 2-3 persons visited the said property and forced the plaintiff to vacate the same and on refusal they extended threats of dire consequences. It is further submitted that it has also transpired to plaintiff that defendant is negotiating with someone and trying to sell out the said property on higher sale consideration through fraud and misrepresentation and trying to create third party interest over the said property, which is illegal and unlawful, and defendant is liable to be restrain from the said acts / omission of acts.
8. That thereafter the defendant started demanding exorbitant / enhanced amount against the transfer of the said property without any lawful authority and justification and on refusal to accede his illegal and unlawful demands by the plaintiff, he showed his inability to transfer the said property in favour of the plaintiff.
9. That the plaintiff through her attorney and through respectable persons of the locality tried her level best to incline the defendant, for desisting from their illegal conduct, ill designs and unlawful activities and further

to perform their moral and legal obligations regarding transfer of the suit property in favour of the plaintiff but all such efforts of the plaintiff went into vain due to obstinacy of the defendant, while on the contrary he without any reason or moral cause started issuing threats for dire consequences to the plaintiff, due to which the plaintiff and her family suffered with serious mental torture, mental agony, physical inconvenience as well as financial losses.

10. That being constraint from the above said acts / omission of acts of the defendant, the plaintiff sent him legal notice dated wherein called upon the defendant to transfer the said property in favour of the plaintiff within seven days but the defendant failed to reply the same, which shows that he has nothing to disclosed in rebuttal of the claim of the plaintiff.

(Copies of legal notice, along with TCS receipts are filed herewith and marked as annexure P/ & P/)

11. That the defendant is legally bound to transfer / execute the sale deed in favour of the plaintiff as agreed between the parties, therefore the plaintiff is entitled to a decree for specific performance of the sale agreement and the plaintiff is also entitled for grant of injunction, so that the defendant cannot transfer the said property to any third person except by due course of law.

12. That the cause of action accrued to the plaintiff and against the defendant, when the defendant sold the suit property to the plaintiff through the sale agreement dated and on subsequent dates when despite of demands and requests of the plaintiff, the defendant initially avoided and finally refused to transfer or to cause transfer of the suit property in favour of the plaintiff and on in the month of the defendant along with 2-3 persons visited the said property and extended threat to the plaintiff for vacation of the said property through illegal means, thereafter when the defendant, being turned dishonest started negotiations to sell out the suit property to any other party and again when a legal notice dated was sent to the defendant but he failed to reply the same and the same cause of action is still continued day to day till the suit of the plaintiff is decreed.

13. That the suit property is located within the local limits of P.S. _____, Karachi, which is within the jurisdiction of this Hon'ble Court.

14. That the suit is valued at Rs. 80,000/- for specific performance of the agreement Rs. 10,000/- for declaration and Rs.10,000/- for injunction, hence the maximum court fees of Rs._____-/- has been affixed thereon.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to pass judgment and decree in favour of the plaintiff and against the defendant in the following manner: -

a). To declare that the plaintiff is a lawful and bonafide purchaser of the immoveable property, viz. **Plot No. , Karachi, measuring 60 Square Yards**, against total sale consideration of Rs.80,000/- from the defendant, through sale agreement dated, and he is entitled for execution of transfer of the same (as the case may be) in his favour.

b). To direct the defendant for execution of registered Sale Deed or to cause for transfer of the suit property in favour of the plaintiff, who is lawful purchaser of the same and / or in any other case the Nazir of this Hon'ble Court may be directed to execute sale deed and / or cause for transfer / mutation of the suit property in favour of the plaintiff at the cost and expenses of the plaintiff.

d). To grant permanent injunction against the defendant, thereby restraining him, his agents, subordinates, servants, colleagues and / or anybody else acting through him or on behalf from transferring the suit property and / or registering any sale deed or any other document regarding transfer of the suit property in the name of any

other party and /or creating third party interest except the plaintiff, in any manner whatsoever in nature except due process of law.

e). Cost of the suit and / or any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case may be granted.

Plaintiff
Through her attorney

Karachi.
Dated: Advocate for the Plaintiff

VERIFICATION

I, SI son of IA, Muslim, Adult, R/o Karachi, the attorney of plaintiff in the above matter do hereby solemnly affirm and verify on Oath that the contents of all the above paras including prayer clauses are true and correct to the best of my knowledge and belief.

(Copy of Power of attorney is filed herewith and marked as annexure P/)

Karachi:

Dated: DEPONENT

DOCUMENT FILED As per annexures.

DOCUMENTS RELIED UPON Original of the
Annexures, and all other relevant documents.

ADDRESS OF THE PARTIES As in Title.

ADDRESS FOR SERVICE OF

PLAINTIFF’S COUNSEL. As in Vakalatnama.

IN THE COURT OF SR. CIVIL JUDGE EAST AT KARACHI

Civil Suit No. / 2023

Mst TI

Plaintiff

VERSUS

KMN & Another Defendants

APPLICATION U/O XXXIX RULE 1 & 2 CPC,
R/W SECTION 151 CPC.

For the facts and reasons disclosed in the accompanying affidavit, as well as in the memo of plaint, it is respectfully prayed on behalf of the plaintiff abovenamed that this Hon'ble Court may graciously be pleased to grant interim injunction against the defendant thereby restraining the defendant, his agents, servants, employees, nominees, colleague, persons, representatives, workers, attorneys and / or anybody else acting on his behalf or in his names, from selling mortgaging, transferring the property i.e. **Plot No. , Karachi, measuring 60 Square Yards**, and / or creating any third party interest in the same, in any manner whatsoever in nature without due course of law and further restraining official of Sub Registrar, alongwith their sub ordinates representatives, officials, workers and agents from effecting any transfer of the above mentioned suit property in the name of any other person / persons in any manner whatsoever in nature without due course of law, till final disposal of the main suit.

Ad-interim orders for maintaining status quo are solicited.

The prayer is made in the interest of justice.

Karachi:

Dated:

Advocate for the Plaintiff

IN THE COURT OF SR. CIVIL JUDGE EAST AT KARACHI

Civil Suit No. / 2023

Mst TI

Plaintiff

VERSUS

KMN & Another

Defendants

AFFIDAVIT

I, SI son of IA, Muslim, Adult, R/o Karachi, do hereby state on Oath as under: -

1. That I am the attorney of plaintiff in the above-titled suit and deponent of this affidavit, as such am fully conversant with the facts of the matter deposed to below.
2. That the accompanying application U/o 39, Rule 1 & 2 CPC R/w Section 151 CPC has been drafted and filed under my instructions and the contents whereof are true and correct and the same alongwith contents of the memo of plaint may please be treated as part of this affidavit for the sake of brevity.
3. That I say that I have a good prima facie case, balance of convenience lies in my favour and until and unless accompanying application is granted as prayed I will be seriously prejudiced and shall suffer irreparable loss.
4. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated:

DEPONENT

IN THE COURT OF SR. CIVIL JUDGE EAST AT KARACHI

Civil Suit No. / 2023

Mst TI

Plaintiff

VERSUS

KMN & Another Defendants

LIST OF LEGAL HEIRS OF THE PLAINTIFF

- 1.
- 2.
- 3.
- 4.

In case of the death of the plaintiff, one of her legal heirs mentioned above shall inform / intimate this Hon’ble Court.

Karachi:

Dated:

Advocate for the Plaintiff

IN THE COURT OF SR. CIVIL JUDGE EAST AT KARACHI

Civil Suit No. / 2023

Mst TI

Plaintiff

VERSUS

KMN & Another Defendants

ADDRESS FOR SERVICE OF THE PLAINTIFF

Mr SI son of IA
Karachi

Karachi:

Dated:

Advocate for the Plaintiff

IN THE COURT OF SR. CIVIL JUDGE EAST AT KARACHI

Civil Suit No. / 2023

Mst TI

Plaintiff

VERSUS

KMN & Another

Defendants

LIST OF WITNESSES

- | | | |
|----|-----------|--|
| 1. | Plaintiff | She will corroborate the version of the Plaintiff in her plaint. |
| 2. | | Support the Version of the plaintiff. |
| 3. | | -----do----- |
| 4. | | |

Karachi:

Dated:

Advocate for the Plaintiff

IN THE COURT OF SR. CIVIL JUDGE EAST AT KARACHI

Civil Suit No. / 2023

Mst TI

Plaintiff

VERSUS

KMN & Another

Defendants

**APPLICATION U/S 149 CPC FOR EXEMPTION OF
COURT FEE FOR THE TIME BEING.**

For the reasons disclosed in the accompanying affidavit, it is prayed that this Hon'ble Court may graciously be pleased to exempt the plaintiff from Court Fee for the time being as the present financial position of the plaintiff is very weak and he cannot pay the same, however, she undertake and assure that the plaintiff will pay the Court Fee as and when her financial position become sound.

The application is made in the interest of justice.

Karachi:

Dated:

Advocate for the Plaintiff.

IN THE COURT OF SR. CIVIL JUDGE EAST AT KARACHI

Civil Suit No. / 2023

Mst TI

Plaintiff

VERSUS

KMN & Another

Defendants

AFFIDAVIT

I, SI son of IA, Muslim, Adult, R/o Karachi, do hereby state on Oath as under: -

1. That I am the attorney of plaintiff in the above matter and deponent of this affidavit, as such am fully conversant with the facts of the case.
2. That the accompanying application U/s 149 CPC, has been drafted and filed under my specific instructions, contents whereof are true and correct to the best of my knowledge and the same may be treated part and parcel of this affidavit, for the sake of brevity.
3. That I say that I on behalf of plaintiff undertake to submit the Court fee before this Hon'ble Court, in mean while my suit may please be admitted.
4. That I say that I may please be granted leave and allowed to submit the Court fee in the pendency of above titled suit.
5. That I say that I have got good prima facie case, balance of convenience is also in my favour and until and unless the

accompanying application is granted, I shall suffer irreparable losses and will be seriously prejudice.

6. That whatsoever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated:

DEPONENT

IN THE COURT OF SR. CIVIL JUDGE EAST AT KARACHI

Civil Suit No. / 2023

Mst T

Plaintiff

VERSUS

KMN & Another

Defendants

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11.	Vakalatnama		

Karachi

Dated:

Advocate for the Plaintiff

IN THE COURT OF SR. CIVIL JUDGE EAST AT KARACHI

Civil Suit No. / 2023

Mst TI

Plaintiff

VERSUS

KMN & Another

Defendants

APPLICATION FOR INSPECTION UNDER
ORDER 18 RULE 18 CPC

It is submitted on behalf of the plaintiff above named that plaintiff is the lawful owner / purchaser of an immoveable property i.e. **Plot No. , Karachi, measuring 60 Square Yards, hereinafter referred to as the Said Property**, and the plaintiff is in possession of the said plot since and the defendant claimed that he is in possession of the said property in dispute. The said facts can be verified through inspection of site to be conducted by the local commissioner.

It is, therefore, very humbly prayed that for proper and effectual adjudication of the case, this Honorable Court may be pleased to pass an order for inspection of the premises for verification of the above said facts through any official of the court or any other person, which this Honorable Court may deem fit and proper.

Prayer is made in the interest of justice.

Karachi

Dated _____ Advocate for the
Plaintiff

IN THE COURT OF SR. CIVIL JUDGE EAST AT KARACHI

Civil Suit No. _____ / 2023

Mst TI _____ Plaintiff

VERSUS

KMN & Another _____ Defendants

AFFIDAVIT

I, SI son of IA, Muslim, Adult, R/o Karachi, do hereby state on
Oath as under: -

1. That I am the attorney of plaintiff in the above matter and deponent of this affidavit, as such am fully conversant with the facts of the case.
2. That the accompanying application under Order 18 Rule 18 CPC has been drafted under my instruction and for the sake of brevity the contents of the same may be treated as part of this affidavit.
3. That I state that the defendant claimed to be in possession of the said property in dispute whereas I am lawful owner / allottee of the said plot and I am lawful possession of the said property.
4. That I state that one can easily adjudicate the matter, after inspection of the site that whether I am living in the said plot.

5. That I shall be seriously prejudiced if the accompanying application is not allowed.

6. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi

Dated

Deponent

**IN THE COURT OF SENIOR CIVIL JUDGE AT
KARACHI SOUTH**

Civil Suit No. / 2022

MT Son of
MKB, Muslim,
Adult, Karachi

Plaintiff

VERSUS

1. ZM / Defendant 1, Muslim, adult,
Resident, Lahore
&
Proprietor /Partner /Owner of M/s Karachi

2. AMW / Defendant 2 son of not known
Muslim, Adult, Resident of Karachi

3. Manager MB
, Karachi

Defendants

**SUIT FOR DECLARATION, CANCELLATION,
& PERMANENT / MANDATORY INJUNCTION**

The plaintiff above named most respectfully begs to submit as under: -

1. That the plaintiff is a respectable and peaceful, law-abiding citizen of Islamic Republic of Pakistan and is doing lawful business as such enjoys a good reputation among the business circle.
2. That the plaintiff is a senior citizen of Pakistan and have been spent 35 years in supply of the hardware product of M/s GROUP LTD. which is under the ownership of the above-named defendant No.1. It is pertinent to mention that the plaintiff has been a chronic patient of heart and is other multifarious diseases.

**(Copies of medical prescriptions and reports are attached herewith
and marked as annexure P/1 to P/)**

3. That the plaintiff started his services with his full zeal and zest with the defendant No.1's company on the basis of 2% commission on the sale of company's products plus monthly salary of Rs.35,000/- and has increased and maintain the business of the said company of the defendant No.1 with his hardworking, dedication and honestly with the said business of the defendant No.1.
4. That initially the plaintiff in order to get the said amount from the defendant No.1 filed a Civil Suit No., before the IInd Senior Civil Judge South at Karachi, for settlement of account and permanent injunction against the defendant No.1 on or about in the month of, which was later on withdrawn by the plaintiff as not pressed with the permission to file a fresh suit.

(Copies of the plaint along with orders are filed herewith and marked as annexure P/ to P/)

5. That on or about in the month of, the plaintiff filed another suit bearing Civil Suit No. before District Court of Sindh at Karachi for recovery of amount of Rs.1,40,00,000/- (Rupees One Crore Forty Lac only) against the said defendant No.1, as he has failed to pay the said amount of commission to the plaintiff despite several requests and reminders.

(Copies of the plaint along with annexures and order are attached herewith and marked as annexure P/ to P/).

6. That the defendant No.1 after receiving the summon of the above said suit has filed a false and frivolous FIR being FIR No., under section 380/408/34 PPC registered at PS, Karachi, against the plaintiff and his son wherein he alleged that the plaintiff along with his son has usurped / theft the materials / spare parts of the defendant No.1 from his Godown and have sold out the same in the market and have received the amount and as

such an amount of Rs.3,85,73,417/- were embezzled of the said company by the said plaintiff along with his son. It is submitted that the defendant No.1 has filed this false case against the plaintiff as counterblast of the above said suit with the intention to harass and blackmail the plaintiff and his family member to refrain from claiming the above said amount from him as he had already refused to repay the same.

7. That the defendant No.1 after filing the above false FIR against the plaintiff, started a campaign of harassment and blackmailing, against the plaintiff and his family members and the plaintiff and his son were arrested in the above case and later they were released on bail.
8. That thereafter the plaintiff being old aged and ailing person under duress, pressure and blackmailing of the defendant No.1 being influential person having links with gunda elements has left no option except to enter into compromise and the matter was settled among them and the plaintiff also withdraw the above Suit of Recovery of 14000000 and the defendant No.1 has also withdraw the above FIR and forgiven the plaintiff and his son for the sake of Almighty Allah.
9. That the compromise filed by the defendant No. 1 in FIR No, does not contain any agreement or settlement in terms of cheque or any other instrument hence the compromise made was purely on the basis of taking back of cases by each parties and the order dated point no 4 clearly affirms that the "Complainant has stated for the sake of Almighty, he has forgiven both accused, therefore he is not willing to proceed the case any further".

(Copies of the FIR, applications and order passed thereupon are filed herewith and marked as annexure P/ to P/)

10. That as per facts reflects in another FIR bearing No., under section 392/506-B/452/504/34 PPC at PS, Karachi, lodged by the plaintiff are that

the defendant No.1 along with other men have assaulted at the house of the plaintiff and physical tortured, abused and beaten the plaintiff and his family members and also robbed important documents and valuable articles from the house of the plaintiff. The matter was investigated and the IO of case has submitted report under section 173 Cr.P.C as C Class and the matter was also deposed off vide order dated

11. That it is further submitted that the plaintiff under pressure and blackmailing by the defendant no 1 paid Rs. 90,000,00/- to the defendant no 1 through his account and all the amount were deposited by the plaintiff through his account to the defendant no 1 and the copy of the deposit slips is also on record but defendant no 1 malafidly got the blank cheques of plaintiff which later was filled/signed by the defendant no 2 and inform that we have your cheques and will use them against you and lodge FIRs from Lahore if you do business of hardware personally or in the name of SMC group in the market and blackmailed the plaintiff to use those cheques against the previous settled dispute which was mentioned in FIR to the amount of 3,85,73,417/-. It is further submitted that to assign the writing expert or any forensic expert to check and verify the difference of cheque signatures and filling of cheque which is allegedly filled by the defendant no 2.

(Copies of payment receipts are attached herewith and marked as annexures P/ to P/)

12. That all the matters between the plaintiff and defendant No.1 were settled down and there was no claim / dispute was outstanding against each other which is clearly indicated in the above order dated passed in Criminal Case No. by the learned XXIIth Civil Judge and judicial Magistrate, Karachi,. It is further submitted that as per para 5 of the said order, the

defendant No.1 could not produce even substantiating evidence against the plaintiff and as such it was case of no evidence.

13. That after compromise in the above said FIR, all matters relating to the business transactions between the plaintiff and the defendant No.1 were settled and it was decided that all the cases filed by either party shall be withdrawn by the said parties. It was further decided that the defendant No.1 would also hand over all the documents / cheques of the plaintiff which was kept / retained by him during the said tenure of the plaintiff's job with the defendant No.1.
14. That it is humbly submitted that the defendant No.1 is the employer of the plaintiff and the defendant no 1 taken different cheques in his office with malafide intention and for fulfillment of his ulterior motives has illegally and unlawfully retained the cheques bearing No. with him in violation of compromise made between them and despite of several requests and reminders by the plaintiff to defendant No.1 to return the same, has failed and neglected to return the same to the plaintiff and now under the garb of the said cheques have bent upon to harass and blackmail the plaintiff for fulfillment of his ulterior motives.
15. That on, the defendant no 1, illegally and unlawfully presented the alleged cheque no of Rs. 15,00,000/- to Bank Lahore, and threats the plaintiff if you did not give cash to defendant no 2, I will lodge FIR from Lahore and later succeeded to get cash of an amount of Rs.15,00,000/- from one of customer of the plaintiff and later returned one of above said Cheque, it is pertinent to mention here that the business and all compromise has been done within the jurisdiction of Karachi city and the defendant no 1 resides in Lahore hence he always gives threat to take this dispute to Lahore and will take revenge on the basis of above said cheques.

(Copy of the Cheque filed herewith and marked as annexure P/ to P/ .)

16. That the defendant No.1 & 2 and other companions through different modes / telephone calls, social media are bent upon to harass, blackmail and threatening the plaintiff, his wife and son for demanding the amount of Rs. 1500000/- which the defendant no 1 succeeded malafidly on the basis of above cheques and made their life pitiable and miserable and due to the said reason, the health condition of the plaintiff is at very risk due to being heart patient. It is pertinent to mention that the defendant No.1 used to call the plaintiff's wife and threaten her to face dire consequences.
17. That the company of the defendant No.1 has been found involved in malpractice / theft of taxes of million in rupees of the government of Pakistan, on or about raided by FBR authorities and the said report / raid was also covered by News Channel as such the said company has been involved in causing huge loss to the government exchequer by not paying requisite taxes to FBR. It is further submitted that since the defendant No.1 is defaulter of FBR due to nonpayment of tax and in order to cheat and defraud the FBR and other revenue departments of the country used to involve the others to get their black money into white money to hide their income from the said institution and also involved in Hawala Hundi business.
18. That the cause of action accrued to the plaintiff and against the defendants firstly on when the defendant lodged a false and frivolous FIR against the plaintiff, secondly on when the matters between them were settled down and the plaintiff and defendant No.1 withdrew their cases filed by them against each other , thirdly when the defendant No.1 illegally and unlawfully retained the

above said cheques of the plaintiff and under the garb of the said cheques, the defendant No.1 & 2 started campaign of harassment, blackmailing and the same cause of action is still continued day to day till the suit of the plaintiff is decreed within the territorial jurisdiction of PS , Karachi which comes under the jurisdiction of this Honorable Court.

19. That the suit is valued at Rs. 15000000/- for declaration, cancellation and permanent / mandatory injunction, hence court fee is affixed along with plaint.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to pass judgement and decree in favour of the plaintiff and against the defendants in the following manner:

- a). To declare that the cheques bearing No. are the lawful property of the plaintiff and the defendant No.1 has no right or authority to misuse the same against the plaintiff as a tool to harass and blackmail the plaintiff.
- b). To direct defendant no 3 to cancel the above said cheques Bearing No. c).

To grant permanent injunction against the defendants, thereby restraining them, their agents, servants, colleagues, representatives and / or anybody else acting through them or on their behalf from using the above said cheques as a tool of harassment, blackmailing, and threatening and presenting before bank for illegal means and to get register false FIRs/ Cases against the plaintiff in any manner whatsoever in nature except due course of law.

- d). To declare that the Plaintiff already paid the amount to the defendant no 1 in his account via deposit slips which is annexed in the main plaint and further to direct the forensic authorities / writing expert to check and verify the forged signatures and filling of cheques which was filled by the defendant no 2 and to

grant permanent injunction against the defendants, thereby restraining them, their agents, subordinates, servants, colleagues and / or anybody else acting through them or on their behalf from threatening, blackmailing and pressurizing the plaintiff and his family members, in any manner whatsoever in nature except due process of law.

e). Cost of the suit and / or any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case may be granted.

Plaintiff

Karachi.

Dated:

Advocate for the Plaintiff

VERIFICATION

I, MT Son of MKB, Muslim, Adult, R/o House No.Karachi, the plaintiff, in the above matter do hereby solemnly affirm and verify on Oath that the contents of all the above paras including prayer clauses are true and correct to the best of my knowledge and belief.

Karachi:

**IN THE COURT OF SENIOR CIVIL JUDGE AT
KARACHI SOUTH**

Civil Suit No. / 2022

MT

Plaintiffs

VERSUS

ZM / Defendant 1 & Others

Defendants

APPLICATION U/O XXXIX RULE 1 & 2 CPC,
R/W SECTION 151 CPC.

For the facts and reasons disclosed in the accompanying affidavit, as well as in the memo of plaint, it is respectfully prayed on behalf of the plaintiff above named that this Hon'ble Court may graciously be pleased to grant interim injunction against the defendant No.1 thereby restraining him, his agents, servants, employees, nominees, colleagues, persons, representatives, workers, attorneys and / or anybody else acting on his behalf or in his name, from misusing the bearing No.. Further restrain the defendants, their agents, subordinates, servants, colleagues and / or anybody else acting through them or on their behalf from threatening, blackmailing and pressurizing the plaintiff and his family members , in any manner whatsoever in nature except due process of law.

Ad-interim orders for maintaining status quo are solicited.

The prayer is made in the interest of justice.

Karachi:

IN THE COURT OF SENIOR CIVIL JUDGE AT
KARACHI SOUTH

Civil Suit No. / 2022

MT

Plaintiffs

VERSUS

ZM / Defendant 1 & Others

Defendants

AFFIDAVIT

I, MT Son of MKB, Muslim, Adult, R/o House No. Karachi, do hereby state on Oath as under: -

1. That I am the Plaintiff in the above titled suit and also deponent of this affidavit, as such am fully conversant with the facts of the matter deposed to below.
2. That the accompanying application U/o 39, Rule 1 & 2 CPC R/w Section 151 CPC has been drafted and filed under my instructions and the contents whereof are true and correct and the same alongwith contents of the memo of plaint may please be treated as part of this affidavit for the sake of brevity.
3. That I say that I have a good prima facie case, balance of convenience lies in my favour and until and unless accompanying application is granted as prayed, I will be seriously prejudiced and shall suffer irreparable loss.
4. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated: -02-2022

DEPONENT

**IN THE COURT OF SENIOR CIVIL JUDGE AT
KARACHI SOUTH**

Civil Suit No. / 2022

MT

Plaintiffs

VERSUS

ZM / Defendant 1 & Others

Defendants

LIST OF LEGAL HEIRS

- 1.
- 2.
- 3.

In case the death of the plaintiff, one of his legal heirs mentioned above shall intimate / inform this Hon'ble Court.

Karachi:

Dated: -02-2022

Advocate for the Plaintiff.

**IN THE COURT OF SENIOR CIVIL JUDGE AT
KARACHI SOUTH**

Civil Suit No. / 2022

MT

Plaintiffs

VERSUS

ZM / Defendant 1 & Others

Defendants

ADDRESS FOR SERVICE OF THE PLAINTIFF

MT Son of
MKB, Muslim,
Adult, R/o House No. Karachi

Karachi:

Dated: -02-2022

Advocate for the Plaintiff.

**IN THE COURT OF SENIOR CIVIL JUDGE AT
KARACHI SOUTH**

Civil Suit No. / 2022

MT

Plaintiffs

VERSUS

ZM / Defendant 1 & Others

Defendants

LIST OF WITNESSES ON BEHALF OF PLAINTIFF

**IN THE COURT OF SENIOR CIVIL JUDGE AT
KARACHI SOUTH**

Civil Suit No. / 2022

MT

Plaintiffs

VERSUS

ZM / Defendant 1 & Others

Defendants

APPLICATION U/S 149 CPC

It is most respectfully submitted on behalf of the plaintiff above-named that this Hon'ble Court be graciously pleased to grant temporary leave of the Court of submit the Court fee of Rs. 15,000/-, as the plaintiff is unable to submit the same by the prescribed time granted by the Court as the plaintiff will suffer

irreparable loss if the time for two months from today will not be extended in the interest of justice and equity.

Therefore, it is prayed in the interest of justice and equity that the plaintiff be allowed to submit the Court fee.

Karachi.

Dated: -02-2022

Advocate for the plaintiff.

**IN THE COURT OF SENIOR CIVIL JUDGE AT
KARACHI SOUTH**

Civil Suit No. / 2022

MT

Plaintiffs

VERSUS

ZM / Defendant 1 & Others

Defendants

AFFIDAVIT

I, MT S/o, Muslim, Adult, R/o Karachi, do hereby state on Oath as under:-

1. That I am plaintiff in the above matter and deponent of this affidavit, as such am fully conversant with the facts of the case
2. That the accompanying application U/s 149 CPC, has been drafted and filed under my specific instructions, contents whereof are true and correct to the best of my knowledge and the same may be treated part and parcel of this affidavit, for the sake of brevity.
3. That I say that I undertake to submit the Court fee before this Hon'ble Court, in mean while my suit may please be admitted.
4. That I say that I may please be granted leave and allowed to submit the Court fee in the pendency of above titled appeal.
5. That I have got good prima facie case, balance of convenience is also in my favour and until and unless the accompanying application is granted, I shall suffer irreparable losses and will be seriously prejudice
6. That whatsoever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated:

DEPONENT

IN THE COURT OF SENIOR CIVIL JUDGE SOUTH AT
KARACHI

Suit No. / 2024

SI son of IA
Muslim, Adult,, Karachi East
Plaintiff

VERSUS

- 1. MUT
son of TMK
Muslim, adult,
- 2. Z son of MA
Muslim, adult, Peshawar
- 3. The Land
Karachi Metropolitan Corporation
Karachi
- 4. Deputy Commissioner
Having office at
Karachi
- 5. The Mukhtiarkar
Having office at

Karachi
- 6. The SHO
Police Station
Karachi

7. The Director Land
Board of Revenue

Karachi

Defendants

**SUIT FOR DECLARATION, SPECIFIC PERFORMANCE,
PERMANENT AND MANDATORY INJUNCTION**

That the plaintiff abovenamed respectfully begs to submit as
under:-

1. That, the plaintiff is religious, edified, respectable and law abiding citizen of Islamic Republic of Pakistan and is living at the above said address along with his family and further doing a lawful business as such enjoys a good reputation among the business circle as well as in general public.
2. That the plaintiff is the lawful owner of a **building constructed upon to ground plus two floors, on a plot of land bearing No. 6, admeasuring 2594 square yards, situated at , Karachi**, hereinafter referred to as the **Said Property**. It is further submitted that the plaintiff is in possession of all the relevant original title documents in respect of the said property and further has full right / authority to sell out the same to any third party.
3. That the plaintiff and defendants No.1 and 2 entered into an agreement of sale dated, in respect of above said property i.e. a building constructed upon to ground plus two floors, on a plot of land bearing No. 6, admeasuring 2594 square yards,

situated at , Karachi for a total consideration of Rs. 5,00,00,000/- (Rupees Five Crore only).

4. (That as per the agreement of sale, dated the defendant No.1 and 2 paid an amount of Rs. 99,00,000/- at the time of execution of above said sale agreement and they were required to pay the remaining amount of Rs.4,01,00,000/- within next three days i.e. upto. It is further submitted that plaintiff delivered the title documents of the said property to the defendants No.1 and 2 and promised to perform his part of contract at the time of payment of full and final sale consideration.
5. That it was agreed between the parties that if the defendants No.1 and 2 failed to pay the remaining amount within stipulated time, they were required to return the file / title documents of the said property to the plaintiff and their token amount shall be forfeited and if they failed to perform their part of contract the plaintiff shall have right to approach the honorable court of law for recovery of his file/ title documents from the said defendant No.1 and 2.
6. That the plaintiff being the owner of the said property has delivered all the title documents to the defendant No.1 & 2 in respect of the above said property on their assurance that they would pay the remaining amount of sale consideration but till to date they are tolerating on one pretext or the other and are reluctant to return the said documents to the plaintiff.

7. That it is humbly submitted that the defendants No. 1 to 2 through fraud and misrepresentation obtained the original title documents of the above said property from the plaintiff and failed to pay the remaining amount to the plaintiff toward the sale price of the above said property.
8. That now they on the basis of the above said agreement are trying to sell out the said property to other persons in connivance with each other and they are claiming that they have paid the sale consideration against the said property to the plaintiff. It is further submitted that the defendants are very influential persons and have links with the other defendants / gunda elements and land grabbers and the plaintiff has serious apprehension that they would get transferred the said property in their name or in favour of any other persons of their choice and may deprive the plaintiff from his lawful ownership upon the said property and would cause huge financial loss to him.
9. That it is further submitted that they are also bent upon to harass, blackmail , pressurize and threatening the plaintiff to refrain from claiming any right over the said property on the basis of above said forged and fabricated sale agreement which was got signed by them through force, duress and pressurize by staging a drama against the plaintiff and kept him in dark and hollow hopes. It is further submitted that all the other persons in

the agreement belong to the same group and they used to cheat and fraud with innocent people as evident by their above said act.

10. That the plaintiff approached the defendants many time and asked them to return his original title documents as he is not intending to sell out the same but the defendants have flatly refused to return the same and on the contrary they harassed, blackmailed and threatened the plaintiff for dire consequences and they claimed that they have purchased the said property and the plaintiff has no right or title over the said property.
11. That the Plaintiff himself and through respectable persons of the locality tried his level best to incline the defendants, for desisting from his illegal conduct, immoral attitude, ill designs and unlawful activities and further to perform his moral and legal obligations regarding return of original documents of the suit property in favour of the Plaintiff but all such efforts of the Plaintiff went into vain due to obstinacy of the defendants, while on the contrary he without any reason or moral cause started issuing threats for dire consequences to the Plaintiff, due to which the Plaintiff suffered with serious mental torture, mental agony, physical inconvenience as well as financial losses.
12. That the defendants are persons of very aggressive type and they advanced threats to the Plaintiff to keep away from the suit property by adopting illegal means and by show of force and

falsely alleged that they have sold the above said property to any other party, hence this suit for injunction and other reliefs.

13. That the defendants are legally bound to deliver the documents of the said property to the plaintiff as such the Plaintiff is entitled for grant of injunction, so that the defendants cannot transfer /sell the said property to any third person except by due course of law.
14. That the cause of action accrued to the Plaintiff and against the defendant on when the plaintiff and defendant No1 and 2 entered into agreement of sale, thereafter on, when he delivered the original title documents of the said property to the defendants , but the defendant failed to pay the sale consideration as per stipulation and on subsequent dates when despite of demands and requests of the Plaintiff, the defendants initially avoided and finally refused to return the original title documents or amount to the plaintiff, thereafter when the defendants, being turned dishonest started negotiations to sell out the said property to any other party and indirectly and the same is continued day to day till the suit of the Plaintiff is decreed.
1. That the suit property is located within the local limits of P.S. -----, Karachi, which is within the jurisdiction of this Hon'ble Court.

2. That the suit is valued at Rs.5,00,00,000/- for declaration, specific performance and injunction for injunction, hence the maximum court fees of Rs.15,000/- has been affixed thereon.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to pass judgment and decree in favour of the Plaintiff and against the defendants in the following manner: -

- a). To declare that the Plaintiff is a lawful owner of the said property, viz. **building constructed upon to ground plus two floors, on a plot of land bearing No. 6, admeasuring 2594 square yards, situated at , Karachi.**
- b). To declare that the sale agreement dated executed by the plaintiff and defendant No.1 and 2 in respect of the property, viz. **building constructed upon to ground plus two floors, on a plot of land bearing No. 6, admeasuring 2594 square yards, situated at , Karachi,** is illegal, unlawful, void, abinito and of no legal effect in the eye of law.
- c). To direct the defendants to deliver the said documents of the property in favour of the Plaintiff, who is lawful owner of the said the property, viz. **building constructed upon to ground plus two floors, on a plot of land bearing No. 6, admeasuring 2594 square yards, situated at , Karachi.**

d). To grant permanent injunction against the defendants, thereby restraining them, their agents, servants, colleagues, representatives and / or anybody else acting through them or on their behalf from harassing, blackmailing, threatening , interfering the possession and / or creating third party interest in respect of the suit property, viz. **building constructed upon to ground plus two floors, on a plot of land bearing No. 6, admeasuring 2594 square yards, situated at , Karachi**, in any manner of whatsoever in nature except due course of law.

e). To grant permanent injunction against the defendants, thereby restraining them, their agents, subordinates, servants, colleagues and / or anybody else acting through them or on behalf from transferring the property' documents and / or registering any sale deed or any other document regarding transfer of the suit property in the name of any other party and /or creating third party interest except the Plaintiff, in any manner whatsoever in nature except due process of law.

f). Cost of the suit and / or any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case may be granted.

Plaintiff

Karachi.
Dated:

Advocate for the Plaintiff

VERIFICATION

I, SI son of IA, Muslim, adult, resident of Karachi, the Plaintiff in the above matter do hereby solemnly affirmed and verify on Oath that the contents of all the above paras including prayer clauses are true and correct to the best of my knowledge and belief.

Karachi:

Dated: DEPONENT

DOCUMENT FILED As per annexures.

DOCUMENTS RELIED UPON Original of the Annexures,
and all other relevant
documents.

ADDRESS OF THE PARTIES As in Title.

ADDRESS FOR SERVICE OF
PLAINTIFF’S COUNSEL. As in Vakalatnama.

IN THE COURT OF

SENIOR CIVIL JUDGE SOUTH AT
KARACHI

Suit No. / 2024

SI

Plaintiff

VERSUS

Usman Tufail & Others

Defendants

APPLICATION U/O XXXIX RULE 1 & 2 CPC,
R/W SECTION 151 CPC.

For the facts and reasons disclosed in the accompanying affidavit, as well as in the memo of plaint, it is respectfully prayed on behalf of the Plaintiff abovenamed that this Hon'ble Court may graciously be pleased to grant interim injunction against the defendants thereby restraining the defendants, their agents, servants, employees, nominees, colleagues, persons, representatives, workers, attorneys and / or anybody else acting on their behalf or in their name, from harassing, blackmailing, selling mortgaging, transferring the immoveable property **i.e. building constructed upon to ground plus two floors, on a plot of land bearing No. 6, admeasuring 2594 square yards, situated at , Karachi,** and / or creating any third party interest in the same, in any manner whatsoever in nature without due course of law and further restraining the defendant No. 3 to 7, alongwith their sub ordinates representatives, officials, workers and agents from effecting any transfer of the above mentioned suit property in the name of any other person / persons in any manner whatsoever in nature without due course of law, till final disposal of the main suit.

Ad-interim orders for maintaining status quo are solicited.

The prayer is made in the interest of justice.

Karachi:

Dated:

Advocate for the Plaintiff

IN THE COURT OF

**SENIOR CIVIL JUDGE SOUTH AT
KARACHI**

Suit No. / 2024

SI

Plaintiff

VERSUS

MUT & Others

Defendants

AFFIDAVIT

I, SI son of IA, Muslim, Adult, R/o Karachi, do hereby state on Oath as under:-

1. That I am the Plaintiff in the above titled suit and deponent of this affidavit, as such am fully conversant with the facts of the matter deposed to below.

2. That the accompanying application U/o 39, Rule 1 & 2 CPC R/w Section 151 CPC has been drafted and filed under my instructions and the contents whereof are true and correct and the same alongwith contents of the memo of plaint may please be treated as part of this affidavit for the sake of brevity.

3. That I say that I have a good prima facie case, balance of convenience lies in my favour and until and unless accompanying application is granted as prayed I will be seriously prejudiced and shall suffer irreparable loss.

4. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated:

DEPONENT

IN THE COURT OF SENIOR CIVIL JUDGE SOUTH AT
KARACHI

Suit No. / 2024

SI Plaintiff

VERSUS

MUT & Others Defendants

LIST OF LEGAL HEIRS OF THE PLAINTIFF

- 1.
- 2.
- 3.
- 4.

In case of the death of the Plaintiff, one of her legal heirs mentioned above shall inform / intimate this Hon’ble Court.

Karachi:
Dated: Advocate for the Plaintiff

IN THE COURT OF SENIOR CIVIL JUDGE SOUTH AT
KARACHI

Suit No. / 2024

SI Plaintiff

VERSUS

MUT & Others Defendants

ADDRESS FOR SERVICE OF THE PLAINTIFF

SI son of IA
Muslim, Adult, Karachi East

Karachi:
Dated: Advocate for the Plaintiff

IN THE COURT OF

SENIOR CIVIL JUDGE SOUTH AT
KARACHI

Suit No. / 2024

SI

Plaintiff

VERSUS

MUT & Others

Defendants

LIST OF WITNESSES

1.

Plaintiff

He will corroborate the version
of the Plaintiff in her plaint.
2.

Support the Version
of the Plaintiff.
3.

-----do-----
4.

Karachi:

Dated:

Advocate for the Plaintiff

IN THE COURT OF

SENIOR CIVIL JUDGE SOUTH AT
KARACHI

Suit No. / 2024

SI

Plaintiff

VERSUS

MUT & Others

Defendants

**APPLICATION U/S 149 CPC FOR EXEMPTION OF
COURT FEE FOR THE TIME BEING.**

For the reasons disclosed in the accompanying affidavit, it is prayed that this Hon'ble Court may graciously be pleased to exempt the Plaintiff from Court Fee for the time being as the present financial position of the Plaintiff is very weak and he cannot pay the same, however he undertake and assure that the Plaintiff will pay the Court Fee as and when his Financial Position become sound.

The application is made in the interest of justice.

Karachi:

Dated:

Advocate for the Plaintiff.

IN THE COURT OF

**SENIOR CIVIL JUDGE SOUTH AT
KARACHI**

Suit No. / 2024

SI

Plaintiff

VERSUS

MUT & Others

Defendants

AFFIDAVIT

I, SI son of IA, Muslim, Adult, R/o Karachi, do hereby state on
Oath as under: -

1. That I am the Plaintiff in the above matter and deponent of this affidavit, as such am fully conversant with the facts of the case.
2. That the accompanying application U/s 149 CPC, has been drafted and filed under my specific instructions, contents whereof are true and correct to the best of my knowledge and the same may be treated part and parcel of this affidavit, for the sake of brevity.
3. That I say that I undertake to submit the Court fee before this Hon'ble Court, in mean while my suit may please be admitted.
4. That I say that I may please be granted leave and allowed to submit the Court fee in the pendency of above titled suit.
5. That I say that I have got good prima facie case, balance of convenience is also in my favour and until and unless the

accompanying application is granted, I shall suffer irreparable losses and will be seriously prejudice

6. That whatsoever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated: DEPONENT

IN THE COURT OF SENIOR CIVIL JUDGE SOUTH AT KARACHI

Suit No. / 2024

SI Plaintiff

VERSUS

MUT & Others Defendants

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1.	Memo of Complaint	-----	
2.	Copy of Sale Agreement dated	P/1	
3.	Application U/s 149 CPC Alongwith affidavit		
4.	Application Under order XXXIX RULE 1 & 2 CPC read with section 151 CPC along with affidavit.		
5.	Undertaking/Certificate		
6.	Vakalatnama		

Karachi:

Dated: Advocate for the Plaintiff

IN THE HIGH COURT OF SINDH AT KARACHI

(Original civil jurisdiction)

Suit No._____ of 2021

Mr FM son of MH,
Muslim, adult,
Chief Executive Officer /CEO of following Stations: -

1. CNG Station 1
2. CNG Station 2
3. CNG Station 3
4. CNG Station 4
5. CNG Station 5
6. CNG Station 6
7. CNG Station 7
8. CNG Station 8
9. CNG Station 9
10. CNG Station 10
11. CNG Station 11
12. CNG Station 12
13. CNG Station 13
14. CNG Station 14
15. CNG Station 15
16. CNG Station 16

Plaintiff

Versus

1. Federation of Pakistan
Through the Secretary,
Ministry of Petroleum & Natural Resources
Government of Pakistan, Pak Secretariat,
Islamabad

2. Federation of Pakistan
Through the Secretary,
Ministry of Finance ,
Government of Pakistan, Pak Secretariat,
Islamabad
3. Sui Southern Gas Company Limited
, Karachi Defendants

**SUIT FOR DECLARATION AND
PERMANENT INJUNCTION**

Respectfully sheweth:

Summary

Through this suit, the plaintiff seeks to challenge the unlawful demand of arrears of cess raised by defendant No.3 purportedly under the Gas Infrastructure Development Cess Act, 2015 (“**GIDC At, 2015**”) through GIDC bills for the months of November & December, 2020 (“Impugned Bills”).

The demand of arrears of Cess is against the judgment dated 26-10-2016 and Decree dated 25-02-2017 passed by this Honorable Court in Plaintiff’s Suit No. 1196 of 2015 (“Plaintiffs’ Suit”), whereby the GIDC Act, 2015 was struck down. The judgment and decree in the Plaintiff’s suit are to date, in the field and operative. In fact, the judgment and decree have attained finality.

Further, the impugned bills are in contravention of Section 8 of the GIDC Act, 2015 and the judgment of the Honorable Supreme Court of Pakistan (“SCP”) reported as Khurshid Soap & Chemical Industries (Pvt.) Ltd. V Federation of Pakistan, PLD 2020 SC 641 (“Khurshid Soap”).

- i. According to the proviso to sub-section (2) of Section 8 of the GIDC Act, 2015 the industrial sector, excluding Fertilizer Feed Stock is exempted from payment of arrears of GIDC accrued under the GID Act, 2011 and GIDC Ordinance, 2014 (“Ordinance”) “if it has not collected by it”. CNG, having part of the industrial sector, is entitled to the benefit of the provision to sub-section (2) of Section 8 of the GIDC Act, 2015.
- ii. The SCP is Khurshid Soap has allowed the Federal Government to collect arrears of cess only from persons who had passed on the burden of cess to its consumers. Arrears of cess cannot therefore be collected from the plaintiffs.

Introduction

1. The plaintiffs are engaged in and are carrying on the business of operating Compressed Natural Gas (CNG) station and are suppliers of CNG. The CNG stations of the Plaintiffs are located in the Province of Sindh.
2. Natural gas is compressed by CNG stations through an industrial process CNG sector is, therefore, considered an industry by the Government of Pakistan. All CNG stations pay industrial tariff both for natural gas and electricity. This is evident from the letter dated 24-05-1999 issued by Ministry of Petroleum and Natural Resources (MPNR).

(Letter dated 24-05-1999 issued by MPNR is attached as Annex A)

3. That Defendant No.1 is the Ministry responsible for the supervision, management and regulation of the exploration, exploitation, transmission and distribution of natural gas at the federal level. The Defendant No.2 is the Ministry responsible for all financial affairs of the Federal Government. The defendant No.3 is a public limited gas distribution company. Suit Southern Gas Company Limited (SSGC) is majority owned and directly controlled by the Federal Government.
4. The plaintiffs challenged the constitutionality of the GIDC Act, 2015 before this Hon'ble Court in Suit No. 1196 of 2015. Through judgment dated 26.10.2016 this Hon'ble Court declared the GIDC Act, 2015 unconstitutional. The Plaintiffs' suit was decreed on 25-02-2017.

Plaintiffs' Suit is attached as Annex B-1

Judgment of this Hon'ble Court dated 26-10-2016 is attached as Annex B-2

Decree dated 25-02-2020 passed in Suit No. 1196 of 2015 is attached as Annex B-3.

5. The Federation did not challenge the judgment and decrees in the Plaintiffs' suit within time. The judgment and decree attained finality.
6. On 11-03-2020 HCA No. 101 of 2020, an appeal barred by 2 years and 11 months (approx.), was filed by the Federation before this Division Bench of this Hon'ble Court. HCA No. 101 of 2020 is pending. No interim relief was granted to the Federation. The delay has also not been condoned, yet.

Even otherwise a single appeal against several judgments and decrees is not maintainable.

Copies of HCA No. 101 of 2020 & Orders are attached as Annex C-1 & C-3 respectively

History of Legislation and Litigation:

GIDC Act, 2011

7. The Federal Government levied GIDC in 2011 on consumers of gas, excluding domestic consumers.
8. The legislative instrument through which GIDC was imposed was a Money Bill. It was passed by the National Assembly. Having received Presidential assent, it became the GIDC Act, 2011. Second Schedule of the GIDC Act, 2011 was amended through Section 19 of the Finance Act, 2012.

**Copy of GIDC Act, 2011
is attached as Annex D-1 &**

**Relevant Extract of Finance Act, 2012
is attached as Annex D-2**

9. Notification under this Act was issued on 07-09-2013 and 31-12-2013, respectively.

**Notification dated September 07, 2013
is attached as Annex E-1**

**Notification dated December 31, 2013
is attached as Annex E-2**

10. GIDC Act, 2011 was amended on 26-06-2014 by Section 9 of the Finance Act, 2014.

**Section 9 of the Finance Act, 2014
is attached as Annex E-3**

11. The GIDC Act, 2011 was challenged by taxpayers in every High Court of the country. Every High Court granted interim relief to the taxpayers.

Peshawar High Court (PHC) strikes the statute down

12. On 13-06-2013 PHC struck down the GIDC Act, 2011. The judgment is reported as Ashraf Industries v Federation of Pakistan; 2013 PTD 1732 (**Ashraf Industries**).

**Copy of Judgment of PHC reported as
Ashraf Industries v Federation of Pakistan; 2013 PTD 1732
is attached as Annex F**

SCP dismissed appeal

13. The Federation appealed to the SCP.

14. On 22-08-2014 the appeals were dismissed; Judgment of SCP is reported as Federation of Pakistan v Durrani Ceramic Ltd; 2014 SCMR 1630 (**Durrani Ceramics**).

**Copy of Judgment of SCP reported as
Federation of Pakistan v Durrani Ceramic Ltd; 2014 SCMR 1630
is attached as Annex G**

15. The Federation filed review petitions.

GIDC Ordinance, 2014

16. On 25-09-2014 while the review petitions were pending, GIDC Ordinance, 2014 was promulgated. Its duration was 120 days. The last day was 22-01-2015. The National Assembly on 16-01-2015 extended it for another 120 days with effect from 22-01-2015. The Ordinance repealed the GIDC Act, 2011. The Ordinance was repealed on 22-05-2015 by operation of Article 89 of the

Constitution. The repeal of the Ordinance did not revive the GIDC Act, 2011.

**Copy of GIDC Ordinance, 2014
is attached as Annex H**

17. The Ordinance was challenged in the High Courts by consumers. Interim Orders were granted.

Review petitions dismissed.

18. On 15-04-2015 the SCP dismissed the review petitions. The judgment is reported as Federation of Pakistan v. Durrani Ceramics; PLD 2015 SC 354 (**Review Judgment**).

**Copy of judgment is reported as Federation of Pakistan v.
Durrani Ceramics; PLD 2015 SC 354 is attached as Annex I**

GIDC Act, 2015

19. On 21-05-2015 GIDC Act, 2015 was passed by both Houses of Parliament and received the assent of the President.

GIDC Act, 2015 is attached Annex J

GIDC Act, 2015 struck down by this Hon'ble Court

20. The GIDC Act, 2015 was challenged before all the High Courts in the country.

21. On 26-10-2016 GIDC Act, 2015 was struck down by this Hon'ble Court for the following reasons: -

- (i) In the Annual Budget Statements for the year 2014-15 and 2015-16 GIDC has been shown as @tax revenue@. This is sufficient to show that the Federal Government intended to levy tax in the form of cess.

- (ii) Tax on natural gas does not find its place within any of the entries in Part I of the Federal Legislative List.
- (iii) A proper charging Section has been introduced through GIDC Act, 2015.
- (iv) In respect of Part II of the Federal Legislative List, legislative authority of the Federation can only be exercised after the policy is formulated by the CCI under Articles 1253 and 154 of the Constitution.
- (v) The judgment of the SECP in Durrani Ceramics does not suggest that any of the grounds urged before PHC were given up.
- (vi) Judgment of PHC merged with the judgment of SCP in Durrani Ceramics.
- (vii) A judicial decision declaring a statute as invalid cannot be overruled by subsequent legislation by enacting a validating statute containing non-obstante clause.
- (viii) There were 10 reasons in the judgment of PHC (merged with Durrani Ceramics) for striking down the GIDC Act, 2011. Only one defect has been removed i.e. the GIDC Act, 2015 has been passed by both Houses.
- (ix) The GIDC Act was not laid before the Federal Cabinet, which is contrary to the earlier judgment by PHC in Ashraf Industries and by the SHC in Mustafa Impex v. Government of Pakistan; 2016 PTD 2269.

22. 337 suits, including that of plaintiffs, were decreed by this Honorable Court. The Federation only filed on high court appeal i.e. HCA No. 361 of 2016 against one of the decrees. The decrees in remaining suits, including that of the Plaintiffs, were not challenged by the Federation in that appeal. To the extent of 376 suits the judgment and decrees attained finality. It became a past and closed transaction.

**Copy of HCA No. 361 of 2016
is attached as Annex K**

23. Later, on 11-03-2020, the Federation filed a time-barred HCA No. 101 of 2020 before this Hon'ble Court. Through this appeal the Federation challenged decrees in 375 suits, including that of the Plaintiffs. HCA No. 101 of 2020 is pending before the Division Bench of this Hon'ble Court. Neither an interim order has been issued nor the delay condoned, yet.

Judgment of PHC in petitions challenging the GIDC Act, 2015

24. On 31-05-2017 the PHC dismissed the writ petitions challenging the validity of the GIDC Act, 2015.

**Copy of unreported judgment of PHC
Dated May 31, 2017
is attached as Annex L**

SCP dismissed appeals

25. Petitions for leave to appeal were filed before the SCP against the judgment of PHC. Leave to appeal was granted on 16.08.2017.

26. By a majority of 2:1 the Appeals were dismissed on 13.08.2020 – Khurshid Soap. The judgment of PHC was upheld. The majority judgment upheld the constitutionality of the GIDC Act, 2015. The minority view held the GIDC Act, 2015 unconstitutional.

**Judgment of SCP reported as
Khurshid Soap & Chemical Industries (Pvt) Ltd v. Federation
of Pakistan: PLD 2020 SC 641 is attached as Annex M.**

27. Following directions were given in the majority judgment:

“(i) From the date of this judgment, we restrain the Federal Government from charging Cess which power of the Federal Government shall remain suspended until the Cess-revenue collected and that which is accrued so far u tot

yet collected is expended on the projects listed in Section 4 of the GIDC Act, 2015

- (ii) In the remaining period of the financial year 2020-21 while considering the fixation of sale price of CNG, OGRA shall not take into consideration the element of Cess under GIDC Act, 2015 as one of the costs of sale of CNG.
- (iii) As all industrial and commercial entities which consume gas for their business activities pass on the burden on their customers / clients therefore all arrears of Cess that have become due upto 31-07-2020 and have not been recovered so far shall be recovered by the Companies responsible under the GIDC Act, 2015 to recover from their consumers. However, as a concession, the same be recovered in twenty-four equal monthly installments starting from 01-08-2020 without the component of late payment surcharge. The late payment surcharge shall only become payable for the delays that may occur in the payment of any of the twenty-four installments.
- (iv) The Federal Government shall take all steps to commence work on the laying of the North-South pipeline within six months and on TAPI pipeline as soon as its laying in Afghanistan reaches the stage where the work of laying pipeline on Pakistan soil can conveniently start and on IP Pipeline as soon as the sanctions on Iran are no more an impediment in its laying. In case work is carried out on North-South pipeline within the prescribed time and for laying any of the two major pipelines

(IP and TAPI) though the political conditions become conducive, the purpose of levying Cess shall be deemed to have been frustrated and the GIDC Act, 2015 would become permanently inoperational and considered dead for all intents and purposes.

28. The following is evident from the majority judgment of the SCP:

- (i) GIDC is a fee;
- (ii) The Cess collected can only be utilized in accordance with sub-section (1) of section 4 of the GIDC Act, 2015;
- (iii) GIDC is payable by persons who had passed on the burden to consumers;
- (iv) The Federation cannot charge cess with effect from 13.08.2020 i.e. the date of the judgment;
- (v) Arrears of cess are to be collected only from all those persons who had passed on the burden to the consumers;
- (vi) The collection is to be made in 24 equal monthly installments;
- (vii) Failure to commence work on the North-South pipeline within 6 months from the date of the judgment would render GIDC Act, 2015 “in-operational”.

29. A number of assesses sought review of the majority judgment in Kurshid Soap. On 02-11-2020 the short order was announced by SCP in open Court that, ‘by a majority of 2:1 the review petitions were dismissed but the Petitioners were to be given benefit of sub-section (2) of Section 8 of the GIDC Act, 2015 and arrears of cess were now to be recovered in 60 equal monthly installments.’

30. The detailed written order was released by SCP on 09-11-2020.

It appears from the order that due to typographical or clerical mistake in the detailed written order the number of installments

remained unchanged. The review petitioners have filed application for rectification of the typographical mistake before the SCP. Those applications are pending.

**Order of SCP dated 02-11-2020
is attached as Annex N**

31. In respect of sub-section (2) of Section 8 of the GIDC Act, 2015 the SCP in the order dated 02-11-2020 (Review Order) held as under:

“7. ...When the GIDC Act, 2015 have been declared to be intra vires by this Court then every provision of it, which either creates an obligation or grants any relief is enforceable in law. We may further clarify that to seek the relief granted under Section 8(2) of the GIDC Act, 2015 to a particular class entitled to it under certain conditions the remedy lies elsewhere and not in review.

[Emphasis supplied]

GIDC (Amendment) Act, 2018

32. For the sake of completeness, the Federation enacted the GIDC (Amendment) Act, 2018. Under this Act the CNG sector was permitted to pay half of the cess levied or charged from 01-01-2012 to 01-05-2015 in two tranches after signing agreements with the Gas Distribution Companies. A number of CNG stations made payments under the GIDC (Amendment) Act, 2018.

**GIDC (Amendment) Act, 2018
is attached as Annex O**

33. That through the impingement bills SSGC has raised an illegal demand of arrears of cess against the plaintiffs.

**Sample Bills for the months of November & December. 2020
are attached as Annex P**

Demand of arrears of cess is against the judgment and decree of this Hon'ble Court.

34. That the majority judgment in Khurshid Soap did not set aside either the judgment or the decrees of this Hon'ble Court. The judgment and decrees in the Plaintiff's suit are still in force and continue to operate. The defendants are, therefore, estopped from raising any demand of cess against the plaintiffs. As the judgment and decrees passed by this Hon'ble Court continue to hold the field the demand of arrears of cess from the plaintiffs is illegal.

35. Without prejudice, this Hon'ble Court has already declared the demand of GIDC from the Plaintiffs illegal. The plaintiffs' rights stand conclusively determined. Those rights are not affected by a contrary view taken by the majority judgment in Khurshid Soap. This is the law declared by the judgment of a Larger Bench of SCP reported as *Pir Bakhsh & Others v. Chairman Allotment Committee*; PLD 1987 SC 145 (*Pir Bukhsh*).

***Pir Bukhsh & others v. Chairman Allotment Committee*;
PLD 1987 SC 145 is attached as Annex Q**

36. The judgment in *Pir Bukhsh* was delivered by a 4- Member Bench of the SCP, whereas, the majority judgment in *Khurshid Soap* is by 2 Hon'ble Judges of SCP. It is settled law that in case of conflict of opinion in judgments of SCP the High Courts are bound to follow the law declared by a larger Bench. To the extent that the two judgments conflict the judgment in *Khurshid Soap* is per incuriam.

37. Without prejudice, once the Plaintiffs' suit was decreed and GIDC Act, 2015 declared unconstitutional no GIDC could be levied or charged by the Federation from the Plaintiffs. SSGC, therefore, neither raised any bill for GIDC nor collected it from the plaintiffs under sub-section (1) of Section 3 of the GIDC Act, 2015. The demand of arrears of cess raised through the impugned bills, are, therefore, without any basis.

**Sample bills from 2016 & 2017
are attached as Annex R respectively.**

Demand of arrears of cess is in contravention of Section 8 of the GIDC Act, 2015

38. Section 8 of the GIDC Act, 2015 reads as under: -

“8. Validation of cess collected. –(1) Notwithstanding any omission or anything to the contrary contained in the Gas Infrastructure Development Cess Act, 2011 (XXI of 2011) or the Gas Infrastructure Development Cess Ordinance, 2014 (VI of 2014) or the rules made thereunder, or anything to the contrary contained in any decree, judgment or order of any Court, the cess levied, charged, collected or realized by the company from gas consumers under the aforesaid Act or Ordinance shall be deemed to have been validly levied, charged, collected or realized under the provisions of this Act.

(2) Where any cess referred to in sub-section (1) has not been paid or realized before the coming into force of this Act or if so paid or realized, has been refunded or adjusted against other fees or taxes or charges payable by the gas consumers or the company, the same shall be recoverable in accordance with the provisions of this Act:

Provided that the said Cess shall not be collected from industrial sector excluding Fertilizer Feed Stock, mentioned at S.No.3 of the second Schedule to both the Gas Infrastructure Development Cess Act, 2011 (XXI of 2011) and the Gas Infrastructure Development Cess Ordinance, 2014 (VI of 2014), if it has not been collected by it.

39. It is submitted in the alternative that the Plaintiffs are being unlawfully denied the benefits of sub-section (2) of Section 8 of the GIDC Act, 2015. The CNG sector is an industrial sector. Natural gas is compressed by CNG stations through an industrial process. The CNG sector is charged industrial tariff both for natural gas and electricity throughout the country. The categories provided in the second Schedule of the GIDC Act, 2011 and the Ordinance were only for purposes of rates at which the cess was to be charged and collected from the consumers of natural gas. However, no such categorization is provided in sub-section (2) of Section 8 of the GIDC Act, 2015. Only Fertilizer Fuel Stock has been excluded. The term “industrial sector” in proviso to sub-section (2) of Section 8 of the GIDC Act, 2015 includes the CNG Sector. Any other interpretation of this provision would not only tantamount to reading into the provision but will render it ex facie discriminatory and repugnant to Article 25 of the Constitution.

40. The Plaintiffs did not charge or collect GIDC from their consumers. They did not pass on the burden. The plaintiffs are, therefore, entitled to the benefit of sub-section (2) of Section 8 of the GIDC Act, 2015.

41. Further, as per the Review Order the determination of whether a person is entitled to the benefit of sub-section (2) of Section 8 of the GIDC Act, 2015 is to be decided by the appropriate fora. In the absence of such determination the demand of arrears of cess is in derogation of the Review Order of SCP.

The demand of arrears of cess is against the majority judgment in Khurshid Soap.

42. The CNG sector is de-regulated. This is evident from the decision of the ECC dated 13-12-2016. Each CNG station determines its own sale price. From the date of judgment and decree of this Hon'ble Court GIDC could neither be charged nor levied or collected from the plaintiffs' sale price of CNG. Even otherwise, including the component of GIDC in the sale price renders CNG uncompetitive in the fuel market. The plaintiffs did not include GIDC in their sale price.

**Decision of the ECC dated 13-12-2016
is attached as Annex S**

43. As per the majority judgment in Khurshid Soap persons who passed on the burden to consumers were required to pay GIDC. Arrears of cess were also required to be collected from such persons. However, since the plaintiffs did not pass the burden to their consumers the demand of arrears from the plaintiffs is illegal and against the majority judgment in Khurshid Soap.

SCP misled by the Federal Government

44. Without prejudice, the majority judgment in Khurshid Soap relied on the following representations of the Federal Government:

- (i) That the amount collected as GIDC was available in its accounts. Those funds were kept in a separate account; and
- (ii) that the GIDC shall be utilized for laying of the North-South pipeline, which was purportedly an "ancillary project" under sub-section (1) of Section 4 of the GIDC Act, 2015.

The majority judgment upheld the validity of the GIDC Act, 2015 on the basis of these representations of the Federal Government, Collection and utilization of cess for laying of the North-South Pipeline was also allowed on this basis.

45. It is respectfully submitted that both the above statements of the Federal Government are false. In a recent debate, which aired on national television on 18-12-2020, the incumbent Special Assistant to the Prime Minister on Energy, Mr Nadeem Babar (SAPM) stated that the total GIDC collected was no more available in the accounts of the Federal Government. He categorically stated that a majority of the amount collected as GIDC was utilized for other purposes by the previous government.

46. Further, in the same televised debate the former Minister for Energy, Mr Shahid Khaqan Abbasi categorically stated that the North-South pipeline was not a project for which GIDC was to be utilized. That this project was commercial in nature and was to be undertaken by the Gas Distribution Companies from their own resources. That the Gas Distribution Companies would earn revenue from this project once it is completed.

47. The only inference to be drawn from the above statements of the SAPM and the former Minister of Energy is that the Federal Government misled the SCP with false representations regarding the availability and utilization of GIDC. The majority judgment of SCP was, therefore, obtained by the Federal Government through misrepresentation.

48. It has also recently been reported in the newspapers that the Federal Government has allowed the Petroleum Division to utilize funds from GIDC from repayment of loan of Government Holdings (Pvt.) Limited (GHPL). Such utilization of GIDC is repugnant to Section 4 of the GIDC Act, 2015 and in contravention of the judgment of the SCP in Khurshid Soap.

Newspaper clipping is attached Annex T

49. It is common knowledge that due to shortage of gas supply CNG stations across the country are being allowed to operate only 1-2 days a week. The revenue of CBG stations is at an all time low. The plaintiffs are not in a financial position to pay the arrears of cess, as unlawfully demanded by SSGC. If they are compelled to pay, they will go into liquidation. The plaintiffs, in view of the judgment and decree of this Hon'ble Court, did not collect GIDC from their consumers. The burden to pay the arrears of cess, however, now falls on the plaintiffs. As per judgment of SCP in Khurshid Soap the burden of GIDC is to be borne by the domestic consumers. The plaintiffs, therefore, cannot be compelled to bear this burden.

50. Without prejudice to the above, through the impugned bills withholding tax @ 4% is being charged on the amount calculated as GIDC. It is respectfully submitted that the demand of withholding tax is illegal. Withholding tax is payable on the income of a person. GIDC is not income of the Plaintiffs. It is therefore not liable to be taxed as such.

51. In view of the above, the demand and collection of arrears of cess from the plaintiffs is illegal.

52. That this Hon'ble Court has granted interim relief to other persons in similar suits.

**Orders of this Hon'ble Court
are attached as Annex U-1 & U-2**

53. That this Honorable Court has already granted interim relief / stay orders in Civil Suit No. 186/2021, CS No. 184/2021, CS 417/2021 and 359/2021 of similar nature to other persons and the said suits are still pending for adjudication before this Honorable Court.

**Copy of Order of this Hon'ble Court
are attached as Annex V-1 & V-2**

54. The cause of action accrued when the plaintiffs received the impugned bills from the Defendant No.3 in different cities of Sindh which seek to recover arrears of GIDC from the plaintiff and continues to date.

55. The Plaintiff's CNG stations are located in the Province of Sindh. The defendant No.3 has issued bills to Plaintiffs in Sindh. The entire cause of action arises in the Sindh. This Honorable Court, therefore, has jurisdiction to hear and decide this dispute.

56. For the purposes of court fee, this suit is valued at 23 billion (approx..) and the maximum court fee has been paid.

PRAYER

It is therefore, most humbly prayed that this Hon'ble Court may be pleased to:

- I. Declare that the demand of arrears of GIDC (along with late payment surcharge) by the Defendant No.3 against the plaintiffs is without lawful authority and of no legal effect;
- II. Declare that the plaintiff did not pass on the burden of GIDC to their consumers;
- III. Grant a permanent injunction restraining the defendants from raising any demand of arrears of cess against the plaintiff and further restrain the defendants from taking any adverse action against the Plaintiff, including but not limited to disconnection of the supply of gas permanently or temporarily;
- IV. Grant any other relief that this Hon'ble Court may deem fit and proper;
- V. Grant costs.

Plaintiff
Through his authorized attorney

Karachi

Dated: /04/2021

Advocate For The Plaintiff

VERIFICATION

I, Syed Shah Wali Ahmed Warsi son of Syed Shah Wadood Ahmed Warsi, Muslim, Adult, holding CNIC No. 42201-0367040-7, resident of House No. C-13, Block 13-D-3, Crescent Apartment, Gulshan-e-

lqbal, Karachi, the authorized attorney of the plaintiffs in the above matter and am well conversant with the facts of the case and on this ____ day of April, 2021, at Karachi do hereby on Oath and verify the contents of the above paras, say the same are true to the best of our knowledge and belief. **Copy of Power of Attorney is filed herewith and marked as annexure W**

Karachi:	
Dated: -04-2021	Deponent CNIC No. 42201-0367040-7
DOCUMENTS FILED:	As per Annexures A to V
DOCUMENTS RELIED UPON:	Original of the above and many other relevant documents
ADDRESS OF THE PARTIES: ADDRESS FOR SERVICE OF	As in the title.
PLAINTIFFS' COUNSEL:	As in Vakalatnama.

**IN THE HIGH COURT OF SINDH AT KARACHI
(Original civil jurisdiction)**

Suit No. _____ of 2021

Mr FM

Plaintiff

Versus

Federation of Pakistan & Others

Defendants

**APPLICATION UNDER ORDER XXXIX RULE 1 & 2 CPC
READ WITH SECTION 151 CPC**

Respectfully shewth:

1. That the Plaintiff has filed the title suit and there is every likelihood of its success. To avoid repetition, the contents of the plaint may kindly be treated / read as an integral part of this application.
2. That if the defendants are not restrained, the plaintiff will suffer irreparable loss and injury.
3. That the plaintiff has a good prima facie case and hope to success in the same.
4. That the balance of convenience is also in favour of the plaintiff.

PRAYER

It is therefore, most humbly prayed that, during the pendency of this suit, this Hon'ble Court may be pleased to restrain the Defendants, jointly and severally as well as directly and indirectly, from collecting arrears of cess from the Plaintiff and taking any adverse action or coercive measure against the plaintiff for recovery of the arrears of cess, including but not limited to disconnection of the supply of gas.

Ad interim orders in the same terms are also prayed for.

Karachi

Dated ____April 2021

Advocate for the Plaintiff

**IN THE HIGH COURT OF SINDH AT KARACHI
(Original civil jurisdiction)**

Suit No. _____ of 2021

Mr FM

Plaintiff

Versus

Federation of Pakistan & Others

Defendants

**AFFIDAVIT IN SUPPORT OF APPLICATION UNDER ORDER
XXXIX RULE 1 & 2 CPC READ WITH SECTION 151 CPC**

I, Syed Shah Wali Ahmed Warsi son of Syed Shah Wadood Ahmed Warsi, Muslim, Adult, holding CNIC No. 42201-0367040-7, resident of Karachi, do hereby solemnly affirm and declare on oath as under: -

1. That I am duly authorized attorney of the Plaintiff in the above matter and as such am fully conversant with the facts of case.
2. That the accompanying application has been drafted and filed under my instructions.
3. That the contents of the accompanying application may be treated as part and parcel of this affidavit for the sake of brevity.
4. That unless the accompanying application is granted, the plaintiff shall be seriously prejudiced and suffer irreparable loss and injury.
5. That whatever has been said above is true and correct to the best of my knowledge, belief and information.

Deponent

**IN THE HIGH COURT OF SINDH AT KARACHI
(Original civil jurisdiction)**

Suit No. _____ of 2021

Mr FM

Plaintiff

Versus

Federation of Pakistan & Others

Defendants

CERTIFICATE / AFFIDAVIT

I, Syed Shah Wali Ahmed Warsi son of Syed Shah Wadood Ahmed Warsi, Muslim, Adult, holding CNIC No. 42201-0367040-7, resident of Karachi, do hereby solemnly affirm and declare on oath as under: -

1. That I am duly authorized attorney of the Plaintiff in the above matter and as such am fully conversant with the facts of case.
2. That I certify that there is no other litigation pending in respect of the subject matter of this suit before any Court in which the plaintiff is a party.
3. That whatever has been said above is true and correct to the best of my knowledge, belief and information.

Deponent

IN THE HIGH COURT OF SINDH AT KARACHI
(Original civil jurisdiction)

Suit No. _____ of 2021

Mr FM

Plaintiff

Versus

Federation of Pakistan & Others

Defendants

APPLICATION UNDER RULE 110
OF SINDH CHIEF COURT RULES

It is respectfully submitted on behalf of the plaintiff above named that this Hon'ble Court may be pleased to take up the above matter as an urgent motion and place the same in the Court or in the chamber on or before _____ in view of the urgency of the matter.

The prayer is made in the larger interest of justice.

Karachi

Dated ____ April 2021

Advocate for the Plaintiff

**IN THE HIGH COURT OF SINDH AT KARACHI
(Original civil jurisdiction)**

Suit No. _____ of 2021

Mr FM

Plaintiff

Versus

Federation of Pakistan & Others

Defendants

**AFFIDAVIT IN SUPPORT OF APPLICATION UNDER
RULE 110 OF SINDH CHIEF COURT RULES**

I, Syed Shah Wali Ahmed Warsi son of Syed Shah Wadood Ahmed Warsi, Muslim, Adult, holding CNIC No. 42201-0367040-7, resident of Karachi, do hereby solemnly affirm and declare on oath as under: -

1. That I am duly authorized attorney of the Plaintiff in the above matter and as such am fully conversant with the facts of case.
2. That the accompanying application has been drafted and filed under my instructions.
3. That the contents of the accompanying application may be treated as part and parcel of this affidavit for the sake of brevity.
4. That unless the accompanying application is granted, the plaintiff shall be seriously prejudiced and suffer irreparable loss and injury.
5. That whatever has been said above is true and correct to the best of my knowledge, belief and information.

Deponent

**IN THE HIGH COURT OF SINDH AT KARACHI
(Original civil jurisdiction)**

Suit No. _____ of 2021

Mr FM

Plaintiff

Versus

Federation of Pakistan & Others

Defendants

APPLICATION UNDER SECTION
151 CPC FOR EXEMPTION

For the reasons disclosed in the accompanying affidavit, it is respectfully prayed on behalf of the above named plaintiff that this Hon'ble Court may be pleased to allow them to produce Photocopies of the annexures.

This prayer is made in the larger interest of justice.

Karachi

Dated ____April 2021

Advocate for the Plaintiff

**IN THE HIGH COURT OF SINDH AT KARACHI
(Original civil jurisdiction)**

Suit No. _____ of 2021

Mr FM

Plaintiff

Versus

Federation of Pakistan & Others

Defendants

**AFFIDAVIT IN SUPPORT OF APPLICATION UNDER
RULE 151 CPC FOR EXEMPTION**

I, Syed Shah Wali Ahmed Warsi son of Syed Shah Wadood Ahmed Warsi, Muslim, Adult, holding CNIC No. 42201-0367040-7, resident of Karachi, do hereby solemnly affirm and declare on oath as under: -

1. That I am duly authorized attorney of the Plaintiff in the above matter and as such am fully conversant with the facts of case.
2. That the accompanying application has been drafted and filed under my instructions.
3. That the contents of the accompanying application may be treated as part and parcel of this affidavit for the sake of brevity.
4. That unless the accompanying application is granted, the plaintiff shall be seriously prejudiced and suffer irreparable loss and injury.
5. That whatever has been said above is true and correct to the best of my knowledge, belief and information.

Deponent

**IN THE HIGH COURT OF SINDH AT KARACHI
(Original civil jurisdiction)**

Suit No. _____ of 2021

Mr Khurram Rasheed & Others

Plaintiffs

Versus

Federation of Pakistan & Others

Defendants

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33.	Vakalatnma			
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Karachi

Dated April 2021

Advocate for the Plaintiff

**IN THE COURT OF DISTRICT & SESSION JUDGE, CENTRAL AT
KARACHI**

Civil Suit No. / 2022

Mr MN son of
MNA, (Late), ,
Islamabad , presently residing at

Karachi

Plaintiff

VERSUS

1. Mst BE Wife of FM
Resident of
Karachi.

2. Mr KAK
Karachi

Defendants

**SUMMARY CHAPTER SUIT FOR RECOVERY OF RS. 4,00,000/-
(RUPEES FOUR LAC ONLY), UNDER ORDER XXXVII OF THE
CODE OF CIVIL PROCEDURE**

The plaintiff abovenamed respectfully sheweth as under:

1. That the plaintiff is edified and respectable citizen of Islamic Republic of Pakistan, and engaged in the business of estates and is also a registered dealer of DHA as well as Askari and has registered office at the above said address as such enjoys a good reputation among the business circle as well as general public.
2. That the plaintiff is also having number of clients / customers and plots at, Karachi and the plaintiff has previously sold out 3/4 through M/s Estate Agency and one plot through another agent at Karachi

and now he was intending to hire a new responsible agent/ company for selling out the said plots / further expansion of his business of estates here at Karachi and to make investment in the said business at Karachi .

3. That the plaintiff has succeeded to get numbers of the defendant No.1 through Estate Agency 2 to do the business with the defendant No.1 in the estate at Karachi and the plaintiff has contacted the defendant No.1 and showed his willingness to do the said business with the defendant No.1 and the defendant No.1 disclosed the plaintiff that she is doing business of estate and is also agent and business partner of M/s Estate 1
4. That the defendant No.1 has given incentive to the plaintiff and offered to make investment of Rs.5,00,000/- as a token in a business deal and in return the defendant No.1 promised to return him Rs.6,00,000/- after few days, for which the plaintiff showed his consent and as such the plaintiff deposited an amount of Rs.5,00,000/- in the given account number by the defendant No.1 through online in the bank account of the defendant No.2 bearing A/c No.] so called owner of M/s estate 1(the defendant No.2) who upon contacted by the plaintiff through phone assured that the said amount would be returned to the plaintiff with profit as promised by the defendant No.1.

(Copies of Deposit Slips / Proof of online transfer amount in the account of defendant No.2 are attached herewith and marked as annexure P/ to P/)

5. That in lieu of above said investment the defendant No.1 has issued posted dated cheque bearing No. drawn at Bank Karachi dated for an amount of Rs.6,00,000/-. The plaintiff deposited the said cheque

on due date in his bank account, wherein it transpired that no bank account in the name of the said person is existing in the said bank as such the plaintiff contacted the defendant No.1 and informed her about the said facts, wherein she assured the plaintiff that the defendant No.1 would open the said account and also assured the plaintiff that the defendant No.1 would deposit the same amount in the said bank account but you failed to do so.

(Copies of post dated cheque along with memo of bank are attached herewith and marked as annexure P/ to P/)

6. That the plaintiff time and again approached the defendant No.1 through different officials / contacts and the defendant No.1 only paid Rs.2,00,000/- to the plaintiff and kept the plaintiff on false hopes and promises to return back the remaining amount of Rs.4,00,000/- but till to date no amount has been received by the plaintiff. It is further submitted that thereafter the defendant No.1 has blocked the plaintiff's number as such she has committed fraud with the plaintiff with the sole intention to cause financial harms to the plaintiff and to achieve illegal gain from the plaintiff as such she is liable to be prosecuted under the penal laws of the Pakistan as well as civil litigation provided under the law to the plaintiff for recovery of the said amount along with damages also.

7. That due to your above said acts / omission of acts, the plaintiff has sustained mental agonies, injuries and financial loss as well as loss of reputation among his business circle and defamation in general public and also huge financial losses due to misfeasance, nonfeasance and malfeasance on her part as

such she may be directed to pay the above said amount to the plaintiff.

8. That on, the plaintiff also sent a legal notice to the defendants above named and directed them to pay the remaining amount of the plaintiff but they failed to reply the same which shows that they have nothing to disclose in their rebuttal and also showed their malafide intention to usurp the amount of the plaintiff and neither they paid the actual amount nor paid profit of the business.

(Copies of the legal notice along with courier receipts are attached herewith and marked as annexure P/ to P/)

9. That the plaintiff is lawfully entitled to recover his outstanding amount / bounced cheque of Rs.4,00,000/- (Rupees Four Lac Only) along with interest of 10% per annum.
10. That the cause of action arose when the plaintiff paid an amount of Rs.5,00,000/- (Rupees Five Lac Only) to the defendant No.2 for investment purpose , secondly when defendant No.1 issued posted dated cheque bearing No., drawn at Bank Karachi dated, thirdly when plaintiff presented the cheque of the defendant No.1 to the concern bank but the same became dishonour and finally and lastly when the defendant paid only Rs.2,00,000/- and failed and neglected to pay the remaining amount of Rs.4,00,000/- to the plaintiff and started lame excuses, and the same is continuing day to day till the final disposal of this suit.

11. That the plaintiff has adopted the summary chapter procedure to redress his grievances and residing within the local limits of P.S. _____, which is within the territorial jurisdiction of this Hon'ble Court.
12. That proper Court fee is affixed herewith.

PRAYER

In the light of above facts and circumstances, it is respectfully prayed on behalf of the plaintiff and against the defendant as under:

- a) To pass the Judgment and Decree for Recovery of Rs. Rs.4,00,000/- (Rupees Four Lac Only) in favour of plaintiff and against the defendants, plus interest at the rate of 10% per annum.
- b).Cost of the suit and / or any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case may be granted.

Karachi.

Dated:

Plaintiff

Advocate for the Plaintiff

VERIFICATION

I, MN son of MNA, (Late), Muslim, Adult, R/o Karachi, the plaintiff in the above matter do hereby solemnly affirmed and verify on Oath that the contents of all the above paras including prayer clauses are true and correct to the best of my knowledge and belief.

Karachi:
Dated:

DEPONENT

DOCUMENT FILED	As per annexures.
DOCUMENTS RELIED UPON	Original of the Annexures, and all other relevant documents.
ADDRESS OF THE PARTIES	As in Title.
ADDRESS FOR SERVICE OF PLAINTIFF'S COUNSEL.	As in Vakalatnama.

**IN THE COURT OF DISTRICT & SESSION JUDGE, CENTRAL AT
KARACHI**

Civil Suit No. / 2022

Mr MN

Plaintiff

VERSUS

Mst BE & Another

Defendants

**SUMMARY CHAPTER SUIT FOR RECOVERY OF RS. 4,00,000/-
(RUPEES FOUR LAC ONLY), UNDER ORDER XXXVII OF THE
CODE OF CIVIL PROCEDURE**

Karachi:

Dated:

Advocate for the Plaintiff

**IN THE COURT OF DISTRICT & SESSIONS JUDGE, EAST AT
KARACHI**

Summary Suit No. / 2023

NIA son of IA
Karachi

Plaintiff

VERSUS

FM son of TM
Karachi

Defendant

**SUMMARY CHAPTER SUIT FOR RECOVERY OF
RS.15,00,000.00 (RUPEES FIFTEEN LAC ONLY),
UNDER ORDER XXXVII OF THE CODE OF CIVIL PROCEDURE**

The plaintiff abovenamed respectfully sheweth as under: -

1. That the plaintiff is law abiding, peace loving and respectable citizen of Islamic Republic of Pakistan and his whole record is stainless. It is pertinent to mention that the plaintiff is engaged in lawful business / private work to earn his livelihood as such enjoys a good reputation among his colleagues, friends, the general public and business community as well.
2. That the plaintiff and defendant are having friendship relations with each other and the defendant was in dire need of some money as such he approached the plaintiff and requested for some loan to meet his requirements.
3. That the plaintiff on his request gave him an amount of Rs.15,00,000/- as loan and the defendant promised to return the same as soon as possible.
4. That thereafter the plaintiff approached him for return of his amount as per his promises, but the defendant kept the plaintiff

on hollow hopes and failed to return his amount. It is further submitted that then on insisting of the plaintiff, the defendant issued him 03 cheques bearing (1) (2) No. and (3) of each amount of Rs.5,00,000/- of Bank, Karachi.

5. That thereafter the plaintiff deposited the said cheques on in his bank account at Bank 2 Karachi, for encashing the said cheque given by the defendant, the said cheque became dishonoured and bounced with the reason “**Fund Insufficient**”. The plaintiff after that immediately contacted to the defendant but he against started to give false excuses and promised to return the amount of plaintiff as soon as possible but he failed to do so and on the other hand started issuing threats for dire consequences as well as Killing to the plaintiff, who thereafter reported the matter at Police Station Karachi vide application dated against the defendant.

(Photocopies of Cheques and Returning Slip are enclosed herewith and marked as annexures ‘P/1 to P/ ’)

6. That the plaintiff being constrained moved an application / complaint to the SHO Police Station against the defendant and finally lodged the FIR bearing U/s 489-F PPC, at Police Station against him.

(Photocopy of FIR & Challan are enclosed herewith and marked as annexures P/)

7. That the plaintiff is lawfully entitled to recover his amount of Rs.15,00,000/- (Rupees Fifteen Lac Only).

8. That the cause of action arose in favour of the plaintiff and against the defendant, firstly when defendant received an amount of Rs. 15,00,000/- as a loan from the plaintiff, secondly when he started to give lame excuses to the plaintiff and miserably failed to return the said loan, thirdly when the aforesaid cheques (Annexure 'P/1 to P/3') issued by the defendant to the plaintiff became dishonour and finally when the defendant clearly refuse to return the amount of plaintiff and started issuing threats of dire consequences as well as killing to the plaintiff and the same is continuing day to day till the final disposal of this suit.
9. That the plaintiff has adopted the summary chapter procedure to redress his grievances and residing within the local limits of P.S., Karachi, which is within the territorial jurisdiction of this Hon'ble Court.
10. That proper Court fee is affixed herewith.

PRAYER

In the light of above facts and circumstances, it is respectfully prayed on behalf of the plaintiff and against the defendant as under:

- a). To pass a Judgment and Decree for Recovery of an amount to the tune of Rs.15,00,000/- (Rupees Fifteen Lac Only) in favour of plaintiff and against the defendant, plus interest at the prevailing bank rate @ 22% per annum w.e.f year till to date, which cumulatively comes to the tune of Rs. 2434890/- (Rupees Twenty-Four Lacs, forty Eight Thousand and eight hundred and Ninety only) along with interest at same rate till realization of the amount.

b). Cost of the suit and / or any other relief, which this Hon’ble Court may deem fit and proper in the circumstances of the case may be granted.

Plaintiff

Karachi.

Dated: Advocate for the Plaintiff

VERIFICATION

I, NIA son of IA, Muslim, Adult, R/o Karachi, the plaintiff in the above matter do hereby solemnly affirm and verify on Oath that the contents of all the above paras including prayer clauses are true and correct to the best of my knowledge and belief.

Karachi:

Dated: DEPONENT

DOCUMENT FILED As per annexures.

DOCUMENTS RELIED UPON Original of the Annexures, and all other relevant documents.

ADDRESS OF THE PARTIES As in Title.

ADDRESS FOR SERVICE OF PLAINTIFF’S COUNSEL. As in Vakalatnama.

**IN THE COURT OF DISTRICT & SESSIONS JUDGE, EAST AT
KARACHI**

Summary Suit No. / 2023

NIA

Plaintiff

VERSUS

FM

Defendant

APPLICATION U/S 149 CPC

It is most respectfully submitted on behalf of the plaintiff abovenamed that this Hon'ble Court be graciously pleased to grant temporary leave of the Court of submit the Court fee of Rs. _____/- , as the plaintiff is unable to submit the same by the prescribed time granted by the Court as the plaintiff will suffer irreparable loss if the time for two months from today will not be extended in the interest of justice and equity.

Therefore, it is prayed in the interest of justice and equity that the plaintiff be allowed to submit the Court fee.

Karachi.

Dated:

**IN THE COURT OF DISTRICT & SESSIONS JUDGE, EAST AT
KARACHI**

Summary Suit No. / 2023

NIA

Plaintiff

VERSUS

FM

Defendant

AFFIDAVIT

I, NIA S/o IA, Muslim, Adult, R/o Karachi, do hereby state on Oath
as under:-

1. That I am the plaintiff in the above matter and deponent of this affidavit, as such am fully conversant with the facts of the case
2. That the accompanying application U/s 149 CPC, has been drafted and filed under my specific instructions, contents whereof are true and correct to the best of my knowledge and the same may be treated part and parcel of this affidavit, for the sake of brevity.
3. That I say that I undertake to submit the Court fee before this Hon'ble Court, in mean while my suit may please be admitted.
4. That I say that I may please be granted leave and allowed to submit the Court fee in the pendency of above titled suit.
5. That I have got good prima facie case, balance of convenience is also in my favour and until and unless the accompanying application is granted, I shall suffer irreparable losses and will be seriously prejudiced.

6. That whatsoever stated above is true and correct to the best of my knowledge and belief.

Karachi: DEPONENT

**IN THE COURT OF DISTRICT & SESSION JUDGE, CENTRAL AT
KARACHI**

Civil Suit No. / 2023

ZS son of SA
Karachi

Plaintiff

VERSUS

1. LH son of AWK
Karachi

2. H son of

Karachi.

Defendants

**SUMMARY CHAPTER SUIT FOR RECOVERY OF RS.48,00,000/-
(RUPEES FORTY EIGHT LAC ONLY), UNDER ORDER XXXVII OF
THE CODE OF CIVIL PROCEDURE**

The plaintiff abovenamed respectfully sheweth as under:

1. That the plaintiff is law abiding, peace loving and respectable citizen of Islamic Republic of Pakistan and his whole record is stainless.
2. That the defendant No.1 is childhood friend of the plaintiff. The plaintiff started his property business with him in the yearas he asked the plaintiff to invest an amount in his business on a profit basis. The plaintiff invested an amount of Rs.7,100,000/- in the manner that he paid an amount of Rs.5,500,000/- firstly to him and later he also paid an amount of Rs.1,600,000/- to him and it was agreed that he would pay 25% profit on the above said invested amount to the plaintiff. After passage of sometimes, the defendant No.1 returned the principal amount of the plaintiff

in shape of land amounting of Rs.2,050,000/-, a Flat for an amount of Rs.3,000,000/- and also returned remaining balance to the plaintiff but he did not pay the above said agreed profit to the plaintiff.

(Copy of Agreement / Contract for partnership of Flat is attached herewith and marked as annexure P/)

3. That later on the defendant No.1 requested the plaintiff to sale him said above said flat and in this regard, he made the plaintiff partner in shop at and also gave profit amount of Rs. 200,000/- to the plaintiff in respect of the above-mentioned flat. It is further submitted that the said flat was taken from the plaintiff by defendant No.1 as he has to owe an amount to his investor SH.
4. That later on the plaintiff asked the defendant No.1 to show the said shop and he showed a shop to the plaintiff, but it was found to be very small and far below cost of the amount of Rs.6,000,000/-. Later on, the plaintiff came to know that he had committed fraud with the one SH and sold out said shop and also adjusted the above said small shop to said SH. After that conversations were held with the defendant No.1 in the presence of Market people in which he issued three cheques i.e. (1) Cheque No. dated (2) Cheque No. and (3) Cheque No. three of Rs.1,000,000/- each, for a total amount of Rs.30,00,000/- of Bank Karachi title as Alliance the Real Estate. It is further submitted that the defendant No.2 who is also his business partner delivered two cheques i.e. (1) Cheque No. for an amount of Rs.4,00,000/- and (2) for an amount of Rs.2,00,000/- of his bank account titled as Estate and Builders

at Bank, Market Branch, Karachi to the plaintiff. After that the plaintiff presented all five cheques into his account twice at Bank, Block L but all cheques were dishonored.

(Copies of the cheques along with memos of bank are filed herewith and marked as annexure P/1 to P/)

5. That it is humbly submitted that later on the plaintiff came to know that the defendants have adjusted above said shop to said SH in lieu of amount of Rs. 5,000,000/- hence the plaintiff asked them to give him Rs. 5,000,000/- instead of Rs.3,600,000/- amount upon which they agreed with the plaintiff and in this regard, they requested for time of two to three months upon which the plaintiff agreed to extend time subject to the condition that they would pay the plaintiff monthly profit in lieu of the said amount to him for which they agreed.
6. That it is humbly submitted that the defendant No.1 also issued two other cheques against the above said amount i.e. (1) Cheque No. for an amount of Rs.1,00,000/- and (2) Cheque No. Cheque No. for an amount of Rs.1,00,000/- of Bank. It is further submitted that the defendant No.1 also issued two cheques against the above said amount i.e. (1) Cheque No. for an amount of Rs.5,00,000/- and (2) Cheque for an amount of Rs.5,00,000/- of another Bank , Karachi through his bank account titled as After that the plaintiff presented the above four cheques into his account at Bank, but the same were also bounced / dishonored.

(Copies of the above cheques along with memo of banks are attached and marked as annexure P/ to P/)

7. That the defendants kept the plaintiff under some false hopes and promises by playing delaying tactics they are still required to pay the said loan.
8. That the plaintiff again contacted the defendants alongwith bouncing cheques, but the defendants became greedy and wants to usurp the amount of the plaintiff with malafide intention and ulterior motives and started to give lame excuses and neither they paid the actual amount nor paid profit of the business.
9. That it is averred that they paid monthly profit of Rs.150,000/- for two months to the plaintiff but later on stopped it by saying that it is interest amount. After that the plaintiff moved an application on at PS where he recorded his statement u/s 154 CrPC after that the plaintiff got registered FIR there being FIR No. under section 489-F/34 PPC.

(Photocopy of FIR is enclosed herewith and marked as annexure P/)

10. That the plaintiff is lawfully entitled to recover his outstanding amount against cheques of Rs.48,00,000/- (Rupees Forty-Eight Lac Only) alongwith interest of prevailing bank rates per annum.
11. That the cause of action arose to the plaintiff against the defendant firstly in the year when the plaintiff paid an amount of Rs.,71,00,000/- (Rupees Seventy One Lacs Only) to the defendant No.1 for investment purpose in his business which was being run by both the defendant jointly, secondly when defendants failed to return the said amount along with profit as

well as interest on it to the plaintiff and started lame excuses, thirdly when the defendant issued three cheques of Rs.48,00,000/- to the plaintiff, the plaintiff presented the same to the concern bank but the same became dishonoured/ bounced and finally when plaintiff lodged the FIR against the defendants against the said bounced cheques due to nonpayment of above amount and interest, and the same is continuing day to day till the final disposal of this suit.

12. That the plaintiff has adopted the summary chapter procedure to redress his grievances and residing within the local limits of P.S. _____, which is within the territorial jurisdiction of this Hon'ble Court.
13. That proper Court fee is affixed herewith.

PRAYER

In the light of above facts and circumstances, it is respectfully prayed on behalf of the plaintiff and against the defendant as under:-

- a) To pass the Judgment and Decree for Recovery of Rs.48,00,000/- (Rupees Forty Eight Lac Only) in favour of plaintiff and against the defendants, plus interest at the prevailing bank rate per annum.
- b) Cost of the suit and / or any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case may be granted.

Plaintiff

Karachi.
Dated: -12-2023 Advocate for Plaintiff

VERIFICATION

I, ZS son of SA, Muslim, Adult, Resident of Karachi, the plaintiff in the above matter do hereby solemnly affirm and verify on Oath that the contents of all the above paras including prayer clauses are true and correct to the best of my knowledge and belief.

Karachi:

Dated: DEPONENT

DOCUMENT FILED	As per annexures.
DOCUMENTS RELIED UPON	Original of the Annexures, and all other relevant documents.
ADDRESS OF THE PARTIES	As in Title.
ADDRESS FOR SERVICE OF PLAINTIFF’S COUNSEL.	As in Vakalatnama.

**IN THE COURT OF DISTRICT & SESSION JUDGE, CENTRAL AT
KARACHI**

Civil Suit No. / 2023

ZS

Plaintiff

VERSUS

LH & Another

Defendants

**APPLICATION U/O XXXVIII RULE 5 CPC, R/W SECTION 151
CPC.**

For the reasons and facts disclosed in the accompanying affidavit, it is respectfully prayed on behalf of the plaintiff abovenamed that this Hon'ble Court may be pleased to attach the property i.e.

_____,'

_____, before Judgment, as the plaintiff apprehends that to avoid the payment of decretal amount, the defendant may disposed off his said property or she can change the title of the same.

Ad interim orders are also solicited.

Prayed accordingly in the interest of justice.

Karachi:

Dated: -12-2023

Advocate for the Plaintiff

For immediate use only

**IN THE COURT OF DISTRICT & SESSION JUDGE, CENTRAL AT
KARACHI**

Civil Suit No. / 2023

ZS

Plaintiff

VERSUS

LH & Another

Defendants

AFFIDAVIT

I, ZS son of SA, , Karachi, do hereby state on oath affirmation
as under:-

1. That I am plaintiff in the above suit as well as deponent of this affidavit, as such fully conversant with the facts of the case.
2. That the accompanying application has been drafted and filed under my instructions and for the sake of brevity the contents of the accompanying application may be treated part of this affidavit.
3. That I say that the defendant became greedy and it is serious apprehension that the defendant may transfer or disposed of the properties mentioned in the main application, hence the accompanying application.
4. That I shall be seriously prejudiced and suffer irreparable loss if the accompanying application is not granted by this Hon'ble Court.
5. That whatever has been stated above is true and correct to the best of my knowledge and belief.

Karachi

DEPONENT

**IN THE COURT OF DISTRICT & SESSION JUDGE, CENTRAL AT
KARACHI**

Civil Suit No. / 2023

ZS

Plaintiff

VERSUS

LH & Another

Defendants

LIST OF LEGAL HEIRS OF THE PLAINTIFF

In case of the death of the plaintiff widow the deceased shall informed
the said facts to this Honorable Court.

Karachi:

Dated: -12-23

Advocate for the Plaintiff

**IN THE COURT OF DISTRICT & SESSION JUDGE, CENTRAL AT
KARACHI**

Civil Suit No. / 2023

ZS

Plaintiff

VERSUS

LH & Another

Defendants

LIST OF WITNESSES OF THE PLAINTIFF

Karachi:

Dated: -12-23

Advocate for the Plaintiff

**IN THE COURT OF DISTRICT & SESSION JUDGE, CENTRAL AT
KARACHI**

Civil Suit No. / 2023

ZS

Plaintiff

VERSUS

LH & Another

Defendants

ADDRESS FOR SERVICES OF THE PLAINTIFF

ZS son of SA
, , Karachi

Karachi:

Dated: -12-2023

Advocate for the Plaintiff

**IN THE COURT OF DISTRICT & SESSION JUDGE, CENTRAL AT
KARACHI**

Civil Suit No. / 2023

ZS

Plaintiff

VERSUS

LH & Another

Defendants

APPLICATION U/S 149 CPC

It is most respectfully submitted on behalf of the plaintiff abovenamed that this Hon'ble Court be graciously pleased to grant temporary leave of the Court of submit the Court fee as the plaintiff is unable to submit the same by the prescribed time granted by the Court due to financial crisis as the plaintiff will suffer irreparable loss if the time for one month from today will not be extended in the interest of justice and equity.

Therefore, it is prayed in the interest of justice and equity that the plaintiff be allowed to submit the Court fee.

This prayer is made in the larger interest of justice.

Karachi.

Dated: -12-2023

Advocate for the Plaintiff

**IN THE COURT OF DISTRICT & SESSION JUDGE, EAST AT
KARACHI**

Civil Suit No. / 2023

MH

Plaintiff

VERSUS

Mrs. KI

Defendant

AFFIDAVIT IN SUPPORT OF APPLICATION
UNDER SECTION 149 CPC

I, ZS son of SA, Muslim, Adult, Resident of Karachi, do hereby
state on Oath as under: -

1. That I am plaintiff in the above matter hence fully conversant with
the facts of the case.
2. That I say that the accompanying application under section 149
CPC has been drafted and filed under my specific instructions and
contents whereof may be treated as part and parcel of this affidavit
for the sake of brevity.
3. That I say that I undertake to submit the Court fee in this Hon'ble
Court, in mean while my plaint way may please be admitted.
4. That I say that I may please be granted leave and allowed to submit
the Court fee in the pendency of the above suit.
5. That I say that I have got a good prima facie case, balance of
convenience is also in my favour and until and unless the

accompanying application is granted as prayed, I shall suffer irreparable losses and will be seriously prejudice.

6. That unless the accompanying application is granted, I shall suffer irreparable loss.

7. That whatsoever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated:

D E P O N E N T

IN THE HIGH COURT OF SINDH AT KARACHI

Civil Suit No. / 2023

1. Plaintiff 1 daughter of AB
2. Plaintiff 2 daughter of AB
3. Plaintiff 3 daughter of AB,

VERSUS

1. Defended 1 son of AB
2. Defended 2 son of CD
3. Defended 3 son of CD
4. Defendent 4 W/o MS,
5. Defendent 5 son of CD
6. Defendent 6 son of CD
7. Defendent 7 W/o AMW
8. Sub Registrar-II

**SUIT FOR DECLARATION, CANCELLATION OF
DOCUMENTS, PARTITION OF PROPERTY
& PERMANENT INJUNCTION**

The plaintiffs abovenamed most respectfully beg to submit as under:

1. That the plaintiffs are law abiding & peace-loving citizens of Islamic Republic of Pakistan and alongwith their families and are residing at the above mentioned address for the last 20 years.
2. That the plaintiffs and defendant No.1 jointly and severally purchased an immovable property i.e. Open Commercial Plot of land bearing No. 7, Survey Sheet No. PR-2, Survey No.7,

Government Tenure, measuring 980 square yards, situated in Quarters, Karachi, hereinafter referred to as the **“Said Property”** from one Mr Polad Merwan Polad son of Merwan F. Polad, on 16 April 1995, through Registered Conveyance Deed bearing Registration No. 788, Book No.1, before Sub-Registrar T. Div. 1(A) Karachi dated 24-04-1995, and bearing M.F. Roll No. 2057, Photo Registrar, Karachi dated 14-05-1995 as such all the above said plaintiffs and defendant No.1 become equal sharers of the above said property through this Conveyance Deed.

(Copy of Conveyance Deed dated 16 April 1995 is attached herewith and marked as annexure P/1)

3. That it is humbly submitted that the plaintiffs and defendant No.1 after purchasing the said property, jointly decided to construct a building having one Basement and Shops/ Offices / Godowns on the said plot be known as “Seema Electronic Center” in accordance with the approved plans passed by the Karachi Building Control Authority, Karachi, vide Approval Permission # KBCA/DKA/ DCBXVI/ PROP-II/93/99, dated 14-05-1997.
4. That it is averred that the plaintiffs and defendant No.1 jointly through their attorney and father viz. Syed Razi Ahmed son of Syed Nazir Ahmed Hashmi, holding CNIC No. 42201-3343537-5, sold out an Office bearing No. 117, with covered area of 230 Square Feet situated on 1st Floor of the above said building to one Syed Zamarrud Shah son of Syed Jamal Shah, through Indenture of Sub-Lease bearing registration No. 2168, before Sub Registrar-II, Saddar Town, Karachi dated 28 June 2016 and Computer No. . BOR-2016-17-3460, and Doc ID: 206742. It is further submitted

that thereafter the father of the plaintiffs and defendant No.1 died on or about 18 March 2018.

(Copies of the Sub-Lease and death certificate are attached herewith and marked as annexure P/ to P/)

5. That, it is humbly submitted that the defendant No.1 by pretending / showing himself to be the co-owner and attorney of the plaintiffs has illegally and unlawfully executed Indenture of Sub Lease Deed in favour of the defendant No.2 and 3 in respect of the Car Parking Unit No. P-7, in the said building with covered area of 400 square feet on Basement Floor, to be constructed on the said plot of land / property, vide Indenture of Sub Lease bearing registration No. 1311, Book No. I, before Sub Registrar-II, Saddar Town, Karachi, dated 15-03-2019. It is pertinent to mention that at the time of execution of the said Sub-Lease in favour of the defendant No.2 and 3 by the defendant No.1, he was not in possession of any registered power of attorney executed by the plaintiffs in his favour and further he has also failed to produce the same before the concerned registrar prior registration of the above said Sub Lease in favour of the defendant No.2 and 3, as such the said Sub Lease has been registered by the defendant No. 8 in their favour without any lawful authority and the same is liable to be canceled as the same is having no legal value in the eye of law.

(Copy of the certified copy of Sub Lease registered in the name of the Defendant Nos.2 and 3 is attached herewith and marked as annexure P/)

6. That it is averred that the defendant No.1 again by pretending / showing himself to be the co-owner and attorney of the plaintiffs has illegally and unlawfully executed Indenture of Sub Lease Deed

in favour of the defendant No.4 through her attorney Mr Jawed Ahmed son of S. Razi Ahmed, holding CNIC No. 42201-7731058-5 in respect of the Office No. 204, situated on 2nd floor in the said building with covered area of 225 square feet to be constructed on the said plot of land / property, vide indenture of lease deed bearing registration No. 1315, Book No. I, before Sub Registrar-II, Saddar Town, Karachi, dated 15-03-2019. It is pertinent to mention that at the time of execution of the said Sub-Lease in favour of the defendant No.4 by the defendant No.1, he was not in possession of any registered power of attorney executed by the plaintiffs in his favour and further he has also failed to produce the same before the concerned registrar prior registration of the above said Sub Lease in favour of the defendant No.4, as such the said Sub Lease has been registered by the defendant No. 8 in their favour without any lawful authority and the same is liable to be cancelled as the same is having no legal value in the eye of law.

(Copy of the certified copy of Sub Lease registered in the name of the defendant No.4 is attached herewith and marked as annexure P/)

7. That it is averred that the defendant No.1 pretending to be the co-owner and attorney of the plaintiffs has again illegally and unlawfully executed another Indenture of Sub Lease Deed in favour of the defendant No.5 & 6, through their attorney Mr Jawed Ahmed son of S. Razi Ahmed, holding CNIC No. 42201-7731058-5, in respect of the Car Parking Unit No. P-2, situated on Basement Floor of the said building with covered area of 300 square feet to be constructed on the said plot of land / property, vide indenture of lease deed bearing registration No. 1312, Book No. I, before Sub

Registrar-II, Saddar Town, Karachi, dated 15-03-2019. It is pertinent to mention that at the time of execution of the said Sub-Lease in favour of the defendant No.5 & 6 by the defendant No.1, he was not in possession of any registered power of attorney executed by the plaintiffs in his favour and further he has also failed to produce the same before the concerned registrar prior registration of the above said Sub Lease in favour of the defendant No.5 & 6, as such the said Sub Lease has been registered by the defendant No. 8 in their favour without any lawful authority and the same is liable to be cancelled as the same is having no legal value in the eye of law.

(Copy of the certified copy of Sub Lease registered in the name of the defendant No. 5 & 6 is attached herewith and marked as annexure P/)

8. That the defendant No.1 pretending to be the co-owner and attorney of the plaintiffs has again illegally and unlawfully executed another Indenture of Sub Lease Deed in favour of the defendant No.7, through her attorney Mr Jawed Ahmed son of S. Razi Ahmed, holding CNIC No. 42201-7731058-5, in respect of Office No. 110, situated on 1st Floor of the said building with covered area of 225 square feet to be constructed on the said plot of land / property, vide indenture of lease deed bearing registration No. 1314, Book No. I, before Sub Registrar-II, Saddar Town, Karachi, dated 15-03-2019. It is pertinent to mention that at the time of execution of the said Sub-Lease in favour of the defendant No.7 by the defendant No.1, he was not in possession of any registered power of attorney executed by the plaintiffs in his favour and further he has also failed to produce the same before the concerned

registrar prior registration of the above said Sub Lease in favour of the defendant No.7, as such the said Sub Lease has been registered by the defendant No. 8 in her favour without any lawful authority and the same is liable to be canceled as the same is having no legal value in the eye of law.

(Copy of the certified copy of Sub Lease registered in the name of the defendant No. 7 is attached herewith and marked as annexure P/)

9. That on or about _____, the plaintiffs after knowing the facts regarding execution of above said Sub Leases in favour of the defendant No.2 to 7, approached the defendant No.1 and demanded for power of attorney on the basis of which he has sold the said offices / Car Parking Units to the said defendants, on their behalf for which he has failed to produce the same. It is further averred that the plaintiffs have never executed any power or authority in favour of the defendant No.1 to execute / transfer the above said offices / Car Parking Units to any persons but he illegally and unlawfully with collusion of the other defendants have transferred the said portions of the property in favour of the defendants No.2 to 7 in connivance with the defendant No.8 by greasing his palm.

10. That the plaintiffs and defendant No.1 are joint owners of the suit property and out of which only an Office bearing No. 117, with covered area of 230 Square Feet situated on 1st Floor of the above said building has been transferred to one Syed Zamarrud Shah son of Syed Jamal Shah, through Indenture of Sub-Lease bearing registration No. 2168, before Sub Registrar-II, Saddar Town,

Karachi dated 28 June 2016 and Computer No. . BOR-2016-17-3460, and Doc ID: 206742, whereas upon the remaining suit property all the plaintiffs and defendant No.1 are having equal shares but the defendant No.1 has illegally and unlawfully transferred Car Parking Unit No. P-7, Car Parking Unit No. P-2, Office No. 204 and Office No. 110 situated on the suit property, in favour of the defendant No. 2 to 7 and the said Sub-Lease Deeds are liable to be rescinded /cancelled by this Honorable Court.

11. That plaintiffs many times contacted with the defendant No.1 to cancel the said Sub Lease Deeds and to give their respective shares in the said property, but due to obstinacy defendant No.1 as well as his other companions started to threatening for dire consequences to the plaintiffs and told them that if they again contacted with them for this purpose then they will face dire consequences.

12. That it is further submitted that the plaintiffs have never executed the above said power of attorney in favour of the defendant No.1 and further plaintiffs have serious apprehension that the defendant No.1 would have transferred other properties through the above said forged and fabricated power of attorney, though the said document has not come on surface and despite of repeated requests by the plaintiffs, the defendant No.1 failed to produce the same as such the plaintiffs have serious apprehension that he would have misused the same and is also intending to misuse the same and the said power of attorney is liable to be cancelled / rescinded.

13. That from reliable sources, the plaintiffs came to know that the defendants being greedy persons and turned dishonest are continuously negotiating with some parties to sell out the suit property to any other party and when the plaintiffs contacted to the defendants and tried to incline them for desisting from such illegal negotiations, they became aggressive and warned the plaintiffs that they will not handover the suit property to the plaintiffs at any cost and in case of any legal proceeding from the side of the plaintiffs, they will create a fictitious third party interest in the same, hence the defendants are liable to be restrained from selling, transferring, mutating, mortgaging and/or creating any third party interest in any manner, whatsoever in nature, in the suit property without due course of law, as such the plaintiffs are entitled for the relief of permanent injunction from this Hon'ble Court.

14. That the cause of action for filling the instant suit accrued to the plaintiff against the defendants firstly on 24-04-1995, when the suit property was purchased by the plaintiffs and Defendant No.1, secondly on 15 March 2019, when Car Parking Unit No. P-7, Car Parking Unit No. P-2, Office No. 204 and Office No. 110, situated on Commercial Plot of land, bearing Sheet No PR-2, Survey No.7, Government Tenure, admeasuring 980 square yards, Preedy Quarters, Karachi, were illegally and unlawfully transferred by the defendant No.1 without any lawful authority / power of attorney executed by the plaintiffs, thirdly on _____, when the plaintiff came to know about the

said facts through reliable sources and approached the defendant No.1 for provision of power of attorney on the basis of which he has transferred the said Carking units / Offices in favour of the defendant No.2 to 7 but he failed to produce the same and further on demand of respective shares by the plaintiffs in the said property from the defendant No.1, but he also refused to give their shares after that when defendants started negotiations with some other parties to sell out the suit property illegally & unlawfully to any other party and the same continues day to day till the suit of the plaintiff is decreed, as prayed.

- 15.** That the suit property is valued at Rs.10,00,00,000/-, Rs.10,00,000/- for declaration and Rs.10,00,000/- for cancellation of documents, Rs.10,00,000/- for partition of property, and Rs.10,00,000/- for injunction hence the maximum court fees of Rs.15,000/- has been affixed thereon.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to pass judgement and decree in favour of the Plaintiff and against the defendants in the following manner: -

- a). To declare that the Plaintiffs are co-owners of Commercial Plot of land bearing No.7, Survey Sheet No PR-2, Survey No.7, Government Tenure, admeasuring 980 square yards, situated in Preedy Quarters, Karachi, through Registered Conveyance Deed bearing Registration No. 788, Book No.1, before Sub-Registrar T. Div. 1(A) Karachi dated 24-04-1995, and bearing M.F. Roll No. 2057,

Photo Registrar, Karachi dated 14-05-1995 except Office No. 117 situated on the said plot of land, transferred by their attorney / deceased father in favour of one Zamarrud Shah.

b). To declare that the Indenture of Sub Leases bearing registration Nos. 1311, 1312, 1314 and 1315, Book No. I, before Sub Registrar-II, Saddar Town, Karachi, dated 15-03-2019 , executed in favour of the defendant No.2 to 7 by the defendant No.1 in respect of Car Parking Unit No. P-7, Car Parking Unit No. P-2, Office No. 204 and Office No. 110 to be constructed on Commercial Plot of land, bearing No.7, Survey Sheet No PR-2, Survey No.7, Government Tenure, measuring 980 square yards, situated in Preedy Quarters, Karachi as forged and manipulated.

c). To cancel the above said Indenture of Sub Leases bearing registration Nos. 1311, 1312, 1314 and 1315, Book No. I, before Sub Registrar-II, Saddar Town, Karachi, dated 15-03-2019 , executed in favour of the defendant No.2 to 7 by the defendant No.1 in respect of Car Parking Unit No. P-7, Car Parking Unit No. P-2, Office No. 204 and Office No. 110 to be constructed on Commercial Plot of land bearing No.7, Survey Sheet No PR-2, Survey No.7, Government Tenure, measuring 980 square yards, situated in Preedy Quarters, Karachi.

d). To direct the defendant No.1 to produce the above said forged and fabricated power of attorney purportedly executed by the plaintiffs in his favour and all other documents / transfers of sub leases/ sale deeds/ relinquishment deed or any other deed / documents which

were executed by him on the basis of above said forged and fabricated power of attorney, as the said power of attorney was not executed by the plaintiffs in his favour in any manner whatsoever.

e). To direct the Defendant No.8 to produce the power of attorney on the basis of which he has executed Sub Leases i.e. above said Indenture of Sub Leases bearing registration Nos. 1311, 1312, 1314 and 1315, Book No. I, before Sub Registrar-II, Saddar Town, Karachi, dated 15-03-2019 , executed in favour of the defendant No.2 to 7 by the defendant No.1 in respect of Car Parking Unit No. P-7, Car Parking Unit No. P-2, Office No. 204 and Office No. 110 to be constructed on Commercial Plot of land bearing No.7, Survey Sheet No PR-2, Survey No.7, Government Tenure, measuring 980 square yards, situated in Preedy Quarters, Karachi.

f). To grant permanent injunction against the defendants, thereby restraining them, their agents, servants, colleagues, representatives and / or anybody else acting through them or on their behalf from selling, alienating, transferring, entering into sale agreements, interfering into proprietary rights / possession and / or creating third party interest in respect of the said property, viz. **Commercial Plot of land bearing No.7, Survey Sheet No. PR-2, Survey No.7, Government Tenure, admeasuring 980 square yards, Preedy Quarters, Karachi or any part thereof**, in any manner whatsoever in nature except due course of law.

g). To grant permanent injunction against the defendants, thereby restraining them, their agents, subordinates, servants, colleagues and

/ or anybody else acting through them or on behalf from transferring the suit property and / or registering any sale deed or any other document regarding transfer of the suit property in the name of any other party and /or creating third party, in any manner whatsoever in nature except due process of law.

h). To order the Partition of separate shares of each of the plaintiffs and defendant No.1 and if such separate partition by metes and bounds is not possible or expedient then to order that i.e. Commercial Plot of land bearing No. 7, Survey Sheet No PR-2, Survey No.7, Government Tenure, admeasuring 980 square yards, Preedy Quarters, Karachi except Office No. 117 admeasuring 230 square feet situated on 1st floor of the said property, be sold and the proceed thereof be equally distributed amongst the plaintiffs and defendant No.1 in accordance with law.

i). Cost of the suit and / or any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case may be granted.

Prayer is made in the interest of justice.

Plaintiff No.1

Plaintiff No.2

Plaintiff No.3

Karachi.

Dated: -06-2023

Advocate for the Plaintiffs

VERIFICATION

I, Mst Plaintiff 1 daughter of AB D/O Syed Razi Ahmed, Muslim, adult, residing at 38-U, Block VI. P.E.C.H. Society, Karachi, the Plaintiff No.1 in the above matter do hereby solemnly affirm and verify on Oath that the contents of all the above paras including prayer clauses are true and correct to the best of my knowledge and belief.

Karachi:

Dated: -06-2023 DEPONENT

I, Plaintiff 2 daughter of AB, Muslim, adult, residing at 38-U, Block VI. P.E.C.H. Society, Karachi, the Plaintiff No.2 in the above matter do hereby solemnly affirm and verify on Oath that the contents of all the above paras including prayer clauses are true and correct to the best of my knowledge and belief.

Karachi:

Dated: -06-2023 DEPONENT

I, Plaintiff 3 daughter of AB, Muslim, adult, residing at 38-U, Block VI. P.E.C.H. Society, Karachi, the Plaintiff No.3 in the above matter do hereby solemnly affirm and verify on Oath that the contents of all the above paras including prayer clauses are true and correct to the best of my knowledge and belief.

Karachi:

Dated: -06-2023 DEPONENT

DOCUMENT FILED	As per annexures.
DOCUMENTS RELIED UPON	Original of the Annexures, and all other relevant documents.

ADDRESS OF THE PARTIES
ADDRESS FOR SERVICE OF
PLAINTIFF’S COUNSEL.

As in Title.

As in Vakalatnama.

IN THE HIGH COURT OF SINDH AT KARACHI

Civil Suit No. / 2023

Mst Plaintiff 1 daughter of AB & Others
Plaintiffs

VERSUS

Defended 1 & Others

Defendants

APPLICATION U/O XXXIX RULE 1 & 2 CPC,
R/W SECTION 151 CPC.

For the facts and reasons disclosed in the accompanying affidavit, as well as in the memo of plaint, it is respectfully prayed on behalf of the Plaintiffs abovenamed that this Hon'ble Court may graciously be pleased to grant interim injunction against the defendants thereby restraining the defendants, their agents, servants, employees, nominees, colleagues, persons, representatives, workers, attorneys and / or anybody else acting on their behalf or in their name, from selling mortgaging, alienating, transferring the said immoveable property i.e. **Commercial Plot of land, bearing No.7, Survey Sheet No PR-2, Survey No.7, Government Tenure, admeasuring 980 square yards, situated in Preedy Quarters, Karachi or any part thereof**, and / or creating any third party interest in the same, in any manner whatsoever in nature without due course of law and further restraining the defendant No. 8 alongwith their subordinates, representatives, officials, workers and agents from effecting any transfer of the above mentioned suit property in the name of any other person / persons in any manner whatsoever in nature without due course of law, till final disposal of the main suit.

Ad-interim orders for maintaining the status quo are solicited.

The prayer is made in the interest of justice.

Karachi:

Dated: -06-2023

Advocate for the Plaintiffs

IN THE HIGH COURT OF SINDH AT KARACHI

Civil Suit No. / 2023

Mst Plaintiff 1 daughter of AB & Others
Plaintiffs

VERSUS

Defended 1 & Others

Defendants

AFFIDAVIT

I, Mst Plaintiff 1 daughter of AB daughter of Syed Razi Ahmed,
Muslim, Adult, R/o Karachi, do hereby state on Oath as under:-

1. That I am the Plaintiff No.1 in the above titled suit and deponent of this affidavit, as such am fully conversant with the facts of the matter deposed to below.
2. That the accompanying application U/o 39, Rule 1 & 2 CPC R/w Section 151 CPC has been drafted and filed under my instructions and the contents whereof are true and correct and the same alongwith contents of the memo of plaint may please be treated as part of this affidavit for the sake of brevity.
3. That I say that I have a good prima facie case, the balance of convenience lies in my favour and until and unless accompanying application is granted as prayed I will be seriously prejudiced and shall suffer irreparable loss.
4. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated: -06-2023 DEPONENT
IN THE HIGH COURT OF SINDH AT KARACHI

Civil Suit No. / 2023

Mst Plaintiff 1 daughter of AB & Others
Plaintiffs

VERSUS

Defended 1 & Others Defendants

LIST OF LEGAL HEIRS OF THE PLAINTIFFS

PLAINTIFF NO.1

- 1.
- 2.
- 3.
- 4.

PLAINTIFF NO.2

- 1.
- 2.
- 3.
- 4.

PLAINTIFF NO.3

- 1.
- 2.
- 3.
- 4.

In case of the death of any of the Plaintiffs, one of her legal heirs mentioned above shall inform / intimate this Hon’ble Court.

Karachi:

Dated: -06-2023

Advocate for the Plaintiff

IN THE HIGH COURT OF SINDH AT KARACHI

Civil Suit No. / 2023

Mst Plaintiff 1 daughter of AB & Others
Plaintiffs

VERSUS

Defended 1 & Others

Defendants

ADDRESS FOR SERVICE OF THE PLAINTIFFS

Karachi:

Dated: -06-2023

Advocate for the Plaintiffs

IN THE HIGH COURT OF SINDH AT KARACHI

Civil Suit No. / 2023

Mst Plaintiff 1 daughter of AB & Others
Plaintiffs

VERSUS

Defended 1 & Others

Defendants

LIST OF WITNESSES

1. Plaintiffs They will corroborate the version of the Plaintiffs in their plead.
2. Support the Version of the Plaintiffs.
3. -----do-----
- 4.

Karachi:

Dated: -06-2023

Advocate for the Plaintiffs

IN THE HIGH COURT OF SINDH AT KARACHI

Civil Suit No. / 2023

Mst Plaintiff 1 daughter of AB & Others
Plaintiffs

VERSUS

Defended 1 & Others

Defendants

APPLICATION UNDER RULE 110 OF THE SINDH
CHIEF COURT RULES

For the facts and reasons disclosed in the accompanying affidavit, it is most respectfully prayed on behalf of the plaintiffs above named that this Hon'ble Court may graciously be pleased to treat the matter as urgent and the same may very kindly be fixed on -
2023 in the Court / Chamber for hearing.

Prayed is made in the interest of justice.

Karachi:

Dated: -06-2023

Advocate for the Plaintiffs

For immediate use in Court

IN THE HIGH COURT OF SINDH AT KARACHI

Civil Suit No. / 2023

Mst Plaintiff 1 daughter of AB & Others
Plaintiffs

VERSUS

Defended 1 & Others

Defendants

AFFIDAVIT

I, Mst Plaintiff 1 daughter of AB daughter of Syed Razi Ahmed,
Muslim, Adult, R/o Karachi, do hereby state on Oath as under:-

1. That I am the plaintiff No.1 in the above titled matter and deponent of this affidavit, hence am fully conversant with the facts of the case.
2. That the accompanying application U/R 110 of Sindh High Court Rules has been drafted and filed under my instructions and the contents whereof may be treated part and parcel of this affidavit for the sake of brevity.
3. That until and unless the accompanying application is allowed, I shall be seriously prejudiced and suffer irreparable losses.
4. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated: -06-2023

DEPONENT

IN THE HIGH COURT OF SINDH AT KARACHI

Civil Suit No. / 2023

Mst Plaintiff 1 daughter of AB & Others
Plaintiffs

VERSUS

Defended 1 & Others

Defendants

APPLICATION FOR EXEMPTION

For the reasons disclosed in the accompanying affidavit, it is respectfully prayed on behalf of the abovenamed plaintiffs that this Hon'ble Court may be pleased to allow them to produce Photocopies of the annexures.

This prayer is made in the larger interest of justice.

Karachi:

Dated: -06-2023

Advocate for the Plaintiffs.

IN THE HIGH COURT OF SINDH AT KARACHI

Civil Suit No. / 2023

Mst Plaintiff 1 daughter of AB & Others
Plaintiffs

VERSUS

Defended 1 & Others

Defendants

AFFIDAVIT

I, Mst Plaintiff 1 daughter of AB daughter of Syed Razi Ahmed,
Muslim, Adult, R/o Karachi, do hereby state on Oath as under:-

1. That I am plaintiff No.1 as well as deponent of this affidavit, as such
am fully conversant with the facts.
2. That the accompanying application for exemption has been drafted
and filed under my instructions and the contents whereof may be
treated part and parcel of this affidavit for the sake of brevity.
3. That unless the accompanying application is allowed, I as well as
other plaintiffs shall be seriously prejudiced and suffers irreparable
losses.
4. That whatever has been stated above is true and correct.

Karachi

Dated: -06-2023

DEPONENT

IN THE HIGH COURT OF SINDH AT KARACHI

Civil Suit No. / 2023

Mst Plaintiff 1 daughter of AB & Others
Plaintiffs

VERSUS

Defended 1 & Others

Defendants

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Karachi:

Dated: May, 2023

Advocate for the Plaintiffs