

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

**J.C.M. No.37 of 2003**

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<b>Date</b>	<b>Order with signature of Judge</b>
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14.11.2017

Ms.Noor Naz Agha, Advocate for the Petitioners.

Mr.G.N.Qureshi, Advocate for Board of Revenue.

Official Assignee is also present

Ms.Saima Imdad, AAG and Ms.Farkhunda Mangi, State Counsel.

Mr.Hamid Idris, Advocate for Summit Bank Ltd.

Mr.M.Azam Makhdoom, Advocate for the Auction Purchaser.

Mr.Muhammad Ali Hakro, Advocate for defendant in Suit No.1283/2010.

Mr.Zahid Hussain, Advocate.

Mr.Raisul Hassan, Senior Legal Officer, Orix Leasing Pakistan is also present.

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Despite service of notice to EPZA on CMA No.34/2015 they are called absent. Repeat notice to Chairman, EPZA to ensure that their counsel will appear on the next date failing which order will be passed for personal appearance of Chairman, EPZA, as it clear that notice was received by P.A. to Secretary, EPZA on 6.11.2017, but they are reluctant to appear before this court.

The Official Assignee has filed Reference No.34/2017 in which he has given some details of secured creditors and finally in paragraph 7 permission has been sought for making payment of preferential claims of the 671 employees. He has also mentioned in the Reference the amount of pension/provident/GP fund etc. of the 671 employees, which comes to Rs.17,53,97,362/-. Copy of Reference has been supplied to counsel for the petitioners and also to counsel for the Board of Revenue, Summit Bank Ltd. and the representative of Orix Leasing Pakistan.

The Official Assignee submits that he transmitted copy of Reference to counsel for National Bank of Pakistan Limited and Faysal Bank Limited but they are called absent. He

further submits that the attorney of National Bank of Pakistan Limited met him in his office but Faysal Bank Limited remained absent. The ex-employees are suffering for last several years and now to alleviate their sufferings at least 36 paisa in a rupee will be paid to them against their preferential claims, which seems to be logical and reasonable, however, their remaining claims will be seen on the next date. The Official Assignee shall distribute the said amount after due verification and satisfaction. It is further argued by counsel for the petitioners that some directions may be issued for the payment of amount to the legal heirs of ex-employees, who have expired. In this regard the learned counsel for the petitioners will appear with a list before Official Assignee, who will examine each and every case and thereafter, the legal heirs will also appear before Official Assignee for receiving payment. The legal heirs will submit heirship certificate and indemnity bond along with affidavits in which they may authorise any of the legal heirs to receive the cross cheque or they may also ask for the distribution of pensionary benefits of the deceased as per their share in accordance with Shariah.

The Official Assignee shall make all the payments through cross cheque. Let this exercise be completed within a month. For further proceedings the matter is adjourned to 30.11.2017.

Judge

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