

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. 1571 of 2018

Order with signature of Judge(s)

1. For orders on CMA No.11096/2018 (U/A)
2. For orders on CMA No.11097/2018 (Ex/Apln.)
3. For orders on CMA No.11098/2018 (u/o XXXIX Rule 1 & 2)

15.08.2018

Mr. Ahmed Ali Hussain, Advocate for the plaintiffs

1. Urgency granted.
2. Exemption granted subject to all just exceptions.
3. Learned counsel while placing reliance on a judgment passed by learned Division Bench of this Court reported as 2014 CLD 809 submits that in the said judgment the Hon'ble High Court has laid down the condition for putting the name of an entity in CIB list, particular reference is made to Paragraph-9, where it is held that the entry of the name of the entity in the CIB without prior adjudication by a competent Court violates the fundamental rights as guaranteed under Article 10A of the Constitution of the Islamic Republic of Pakistan, 1973 as such entry adversely effects freedom to conduct business by an entity which is also protected by the constitution. Learned counsel submits that no case is pending against the plaintiff before any forum or any Banking Court, however, he fears that the defendants without following the due process of law or giving due regards to the above cited judgment of the Division Bench of this Court may include the plaintiffs' names in the CIB list.

In the circumstances at hand while issuing notice to the defendants for 11.09.2018, the defendants are restrained from putting plaintiffs' names in the CIB list without prior informing this Court or without providing reasons of doing so.

JUDGE