

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**Execution No.NIL of 2022**  
**Shahbaz Khan**  
**Vs.**  
**Federation of Pakistan and others**

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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1. For orders on CMA No.2708/2022 (if granted).
2. For orders on Execution Application.

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**Dated 08.11.2022**

Barrister Talha Abbasi for the decree-holder.

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1. Urgency granted.
2. In pursuance of an order dated 01.06.2022 this Execution Application has been filed for its enforcement. It is necessary to see the contents of the order so that it could be ascertained whether said order is executable in the shape of a decree or otherwise as an order in terms of Section 36 of CPC. The order dated 01.06.2022 is reproduced as under:-

*Learned counsel for the plaintiff files a proposal dated 01.06.2022 which is taken on record, copy whereof has been received by learned counsel for PPL. Paragraph 6 of the said proposal reads as under:-*

**“6. SHAHBAZ KHAN**

*Since he has reached the age of superannuation as such under the law disciplinary proceedings against him stands (!) abated and he is entitled for all pensionary benefits including the back benefits withheld on account of pending disciplinary proceedings. His Suit is to be disposed of in the above terms.”*

*Learned counsel for the plaintiff requests that the present suit be disposed of in terms of the above quoted statement. Learned counsel for PPL states that he has no objection to this request, however, subject to the condition that the post-retirement benefits/ entitlement, if any, of the plaintiff Shahbaz Khan shall be determined strictly in accordance with law and the prevailing rules and regulations. By consent, the Suit and listed applications are disposed of in the above terms with no order as to costs.*

The order simply says that the plaintiff, the alleged decree-holder, has filed a proposal that since the applicant has reached the age of superannuation, therefore, he was instructed not to press the suit and accordingly the suit was disposed of in terms of his proposal, which is unilateral. No amount adjudged payable by judgment debtor. The order has neither ascertained the quantum of the pensionary benefits to be recovered by the plaintiff nor any other amount which could be recoverable through this Execution Application and it is for this reason perhaps the office has neither prepared the decree nor it could be since it is not an executable order nor it could form or transform into a decree. Even the order is not executable. It is nothing but an order disposing of the suit without any determination. By the order nothing was materialized. The execution application being misconceived is dismissed.

JUDGE

*Ayaz Gul*