

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. D-3556 of 2024

Date	Order with Signature(s) of Judge(s)
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Priority.

1. For hearing of Misc. Application No. 15560/24 (Stay Application).
2. For hearing of main case.

11.02.2025

M/s. Umair Usman & Shahmeer Memon, Advocates for petitioner.
Mr. Muhammad Iqbal Awan, Additional Prosecutor General.
Mr. Hakim Ali Shaikh, Additional Advocate General
Mr. Ghous Bux, Special Prosecutor NAB.

Learned counsel contends that the petitioner is the owner of immovable property i.e. Plot No. 13, FT-4 Broadway, Khayaban-e-Iqbal, Clifton, Karachi. He further contends that vide notice dated 25.08.2015 the NAB placed caution on the said property under section 23(a) of National Accountability Ordinance, 1999 (“**Ordinance of 1999**”) pursuant to an Inquiry against Manzoor Qadir, the then Director General S.B.C.A., Karachi and others in Case No. 221163-Khi. He further contends that the petitioner never received any notice of the alleged Inquiry by the NAB authorities and it came into her knowledge for the first time when she went to the Sub-Registrar office for execution of Sale Deed in respect of the said property where she was informed that the property is under caution and unless it is cleared by the NAB and Court, the Sale Deed cannot be entertained. He further contends that section 23 of the Ordinance of 1999 has been omitted vide National Accountability (Amendment) Act, 2022 (“**Act of 2022**”); therefore, the caution placed on the subject property is non est.

Learned Special Prosecutors NAB contends that during the initial stage of inquiry the subject property was placed under Caution vide NAB Karachi letter No. 22163-KHI/IW-I/CO-A/NAB Karachi/2015/3643 dated 25.08.2015; however, the same is not a case property of the instant case. He further contends that Section 23 of Ordinance of 1999 has been omitted vide Act of 2022; therefore, the Caution placed on the subject property of the petitioner shall be deemed as not placed.

It is an admitted position that the Caution was placed on the subject property of the petitioner under section 23 of the Ordinance of 1999; however, said section has been omitted vide Act of 2022, which contemplates per se that

“it shall come into force at once and shall be deemed to have taken effect on and from commencement of the National Accountability Ordinance, 1999.”

Since section 23 of the Ordinance of 1999 is no more part of the Statute, the Caution placed on the subject property of the petitioner shall be deemed as non est.

Accordingly, the instant petition is disposed of by observing that in view of the Act of 2022, the Caution so placed on the subject property of the petitioners stands omitted. Listed application on having become infructuous stands disposed of accordingly.

JUDGE

JUDGE

Athar Zai