

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
Ex. No.15 of 2007

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Date	Order with signature(s) of Judge(s)
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1. For rehearing of CMA No.298/2007.
2. For rehearing of Execution Application.

21.01.2014.

Mr. Z. U. Mujahid, advocate for the Decree Holder.  
Mr. Ziyad Khan Abbasi, advocate for the Judgment Debtor.  
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This Execution Application has been filed by the Applicant/Decree Holder, who is treating himself as Decree Holder though apparently the Plaintiff had never filed any Suit and there is no judgment and the decree in this case. In short, the Applicant has filed Service Petition before the Federal Service Tribunal at the time when Service Laws were applicable on the Banks. The Applicant/Decree Holder and the Judgment Debtor/Respondent were not the Master and Servant at that time when the Service Appeal was filed. However, subsequently, the judgment of the Honourable Supreme Court of Pakistan came whereby the Provisions of Section 2-A of the Service Tribunal Act, 1973 were struck down and all such matters pending and/or disposed of were being dealt with by the Federal Service Tribunal on account of Provisions of Section 2-A of the Service Tribunal Act, 1973, were adversely effected.

Learned counsel for the Parties are directed to examine the effect of such judgment of the Honourable Supreme Court of Pakistan in the present proceedings and assist this Court as to whether these proceedings are still alive or stand abated or not.

The other question is that how the execution proceedings in terms of CPC are applicable for implementation (not execution) of the order passed by the Honourable Supreme Court of Pakistan arising out of judgment of the Service Tribunal and the question of maintainability of the execution may also be examined on this point of view. Both the learned counsel are directed to come prepared alongwith relevant Provisions of Law as has been held by the Honourable Supreme Court of Pakistan on the subject questions indicated in the paragraph mentioned above of this order and assist this Court having full command on those judgment.

Adjourned to 18.02.2014.

JUDGE