

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No.1137 of 2010

Order with signature of Judge

1. For hearing of Nazir's Report dated 24.01.2014.
2. For orders on Nazir's Report dated 13.02.2014.

13.02.2014.

Mr. Muhammad Atique Qureshi, advocate for the Plaintiff.
Mr. Shabbir Ahmed Shaikh, advocate for the Defendant.
Asim Zubedi, Deputy Nazir (Accounts) is present in person.

Mr. Shabbir Ahmed Shaikh, learned counsel for the Defendant, who was claiming an amount of Rs.42,46,154/-, legitimate right of his Client but it was ordered to be retained by the Nazir of this Court, since Plaintiff has disputed his right. After contact his Client has agreed pending the claim of this amount may be retained by the Nazir of this Court and invest it in some profit bearing scheme so that at the end of the day the said money goes to the rightful owner with profit. Today, he has vehemently contented that the order of investment by this amount dated 20.12.2013 has not been complied with by the Nazir of this Court and he would suffer for the negligence/disobedience of the order.

The Nazir of this Court was called and when confronted with his failure to comply with such important order, which is causing day to day losses to the litigants, he sought time to find out as to whether this order has been complied or not. Now, Asim Zubedi, Deputy Nazir (Accounts) is present in person. Even today he is of the view that the said order has not been complied with and it will take about one week's time to start the time of accruing interest on the said amount. This statement clearly indicates that almost 60 days has lapsed from the date of order to the

date of compliance and huge amount of Rs.42,46,154/- remained unprofitable for the litigant.

Learned counsel for the Defendant has further informed that he has been perusing in the office of the Nazir that the order dated 20.12.2013 should be complied with. In presence of Asim Zubedi, Deputy Nazir (Accounts), he has stated that after receiving the order, Asim Zubedi, Deputy Nazir (Accounts) directed him to file Statement of Accounts though it was not needed. Asim Zubedi, Deputy Nazir (Accounts) says that such request/direction was given by the Nazir of this Court and not by him.

Be that as it may, the Nazir and the Deputy Nazir (Accounts) of this Court are directed to comply with the order dated 20.12.2013 within 5 days and recheck each and every previous order passed in any case and make sure that within 15 days all orders of investment already received in his office should be complied with. In case of similar failures in future no excuse shall be accepted. Adjourned to 27.02.2014.

JUDGE

MUBASHIR