

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

JUSTICE JAMAL KHAN MANDOKHAIL
JUSTICE MIANGUL HASSAN AURANGZEB

Crl.R.P.56 of 2022 in Crl.O.P.13 of 2022, etc.

Javed Akhtar (decd) thr. his LRs	Crl.R.P.56/2022 IN
	Crl.O.P.13/2022
Zeenia Satti	Crl.O.P.13/2022 IN
	C.P.L.A.1192/2018
Abdul Karim Niazi	C.A.428/2021,
	C.A.429/2021 and
	C.A.430/2021

...Petitioners / appellants

Versus

Zeenia Satti and others	Crl.R.P.56/2022 IN
	Crl.O.P.13/2022
Javed Akhtar (decd) thr. his LRs & others	Crl.O.P.13/2022 IN
	C.P.L.A.1192/2018
Mrs. Zeenia Satti and another	C.A.428 to 430/2021

...Respondents

<i>For the Petitioner/ Appellants:</i>	Syed Asghar Hussain Sabzwari, Sr. ASC Syed Mastan Ali Shah Zaidi, ASC Mr. Muhammad Ilyas Sheikh, ASC (<i>in attendance</i>)
--	---

<i>For the Respondents:</i>	Mrs. Misbah Gulnar Sharif, ASC for CDA. Mr. Abdul Karim Niazi, in person. Respondent in person.
-----------------------------	---

Date of Hearing: 03.06.2025

ORDER

Crl.R.P.56 of 2022 in Crl.O.P.13 of 2022

Learned counsel for the petitioner states that Civil Petition for Leave to Appeal No.1192/2018 was dismissed by this court on 07.02.2020 in the following terms:-

"4....To the above limited extent of identifying respective portions to be given to Javed Akhtar (deceased) and Mrs. Zeenia Satti, the controversy is relatively simple which can be resolved in the following manner:

i). the matter shall be taken up before the Executing Court; it shall direct Capital Development Authority to appoint surveyors and other experts, to visit the site after giving notice to all concerned parties alongwith the relevant record. On the basis of the

record, they shall demarcate the portion which was statedly transferred by Brig. (Retd.) Muhammad Saidq Khan in favour of Mrs. Zeenia Satti;

ii) The shall also specifically demarcate the portion of the plot which is the subject matter of the judgment and decree in favour of Javed Akhtar. On such demarcation the respondent Javed Akhtar/his legal heirs shall be entitled to title ownership and possession of the said portion;

iii) In case, a building has been constructed on the portion which falls to the share of Javed Akhtar, representative/experts of CDA shall measure the constructed area and submit a comprehensive report before the Executing Court determining the value which shall enable the Executing Court to pass an order regarding the current value of such construction.

iv) On determination of the current value of the construction (if any), by the Executing Court) Respondent No.1 Javed Akhtar/his legal heirs shall within 30 days of such determination deposit the said amount with the Executing Court.

v) The amount so deposited shall be invested by the Executing Court in a profit bearing scheme of a scheduled Bank paying the best rate of mark-up/profit amongst scheduled Banks. On finalization of the pending litigation between the legal of heirs Brid. (Retd.) Muhammad Sadiq Khan or his children, the Executing Court shall release the amount so deposited by respondent No.1 together with profit/mark-up accrued thereon to the parties found entitled to the same in accordance with their respective shares;

In case after demarcation and allocation of 501.11 sq.yds in favour of Mrs. Zeenia Satti and 501.11sq.yds in favour of Javed Akhtar, any excess land is available, the same shall vest in all legal heirs of Brid. (Retd.) Muhammad Sadiq Khan."

The petitioner filed an application before the executing court for implementation of the above order passed by this court, which was implemented. Learned counsel states that subsequently, the respondent No.1 filed Crl. Original Petition No.13/2022 before this court praying that orders dated 11.12.2021 and 24.09.2021, passed by the executing court be declared null and void. On 07.07.2022, this court passed the following order in Crl. Org. Pet.No.13/2022:-


"Mrs. Zeenia Satti, petitioner, present in person, seeks time to file an application along with relevant material in order to substantiate the assertions she has made orally before this Court.


2. We have asked the learned counsel for the CDA if the order of this Court dated 07.02.2020 has been complied with. She submits that as far as demarcation is concerned, the matter had been marked to the land departt. and she is not

aware whether it has been complied with or not. She, however, undertakes that a compliance report will be filed within a period of two weeks from today positively showing faithful compliance of every aspect of the order that was passed by this Court in its letter an spirit. Non-implementation of the order of this Court shall entail legal consequences for functionaries of CDA. Let the needful be done and the matter shall be listed for hearing after two weeks."

Thereafter, on 03.08.2022, this court passed another order with certain directions mentioned therein. Learned counsel states that pursuant to the orders dated 07.07.2022 and 03.08.2022, passed by this court, possession of the property, which was decreed in favour of the petitioner, handed over by the executing court, has been taken back by the Capital Development Authority ("CDA"). He states that the order under review is in conflict with the final order dated 07.02.2020 passed by this court in main petition bearing CPLA No.1192/2018, he seeks review of the order dated 03.08.2022 of this court, passed in Crl. Org. No.13/2022.

The contentions raised need consideration. Issue notice to the respondents through the CDA as well as through the bailiff of the executing court. A copy of the notice be also affixed at the main gate of the property in question. Relist on 16.06.2025. The contempt applications will be taken up after a decision in Crl.R.P.56 of 2022.


Judge


Judge

Islamabad, the
3rd June, 2025
Not approved for reporting
Sanaullah*