

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Crl. Original No. 156/2019.

Arshad Mahmood Khan

Versus

Dr. Qamar Javaid Sharif, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	14.02.2020.	Ch. Ali Abbas, Advocate for applicant. Syed Riaz Hussain, Advocate for respondents.

Through this Criminal Original petition, the applicant seeks initiation of contempt of Court proceedings against respondents for defiance of order dated 04.04.2019, passed by this Court in Crl. Original No.173/2018, whereby respondents were directed to implement the judgment of the Apex Court dated 08.12.2014, passed in C.P No.1530/2014 titled OGDCL Vs. Arshad Mehmood Khan and another, whereby Apex Court has passed the direction that "the respondent shall also be entitled to the cost of matter throughout".

2. Learned counsel for the respondents contends that in the previous round of proceedings in Crl. Original No.173/2018, compliance report has already been submitted in the Court and due payment has been released in compliance of Apex Court order. Learned counsel has submitted the detail of payment in the following manner:-

Rs.5,94,000/- vide cheque No.66515879 dated

16.04.2019.

Rs.3,06,000/- vide cheque No.66511135 dated
08.01.2019.

However, he denied the claim regarding rest of the payment which has not been verified, as no banking instrument has been placed on record by the applicant through which it could be proved that applicant has paid the other amount to the learned counsel for different cases.

3. Arguments heard, record perused.

4. Perusal of record reveals that instant criminal original is arising out of earlier criminal original, whereby OGDCL has taken the stance that in compliance of Apex Court order dated 08.12.2014, cost has been paid to the applicant.

5. I have verified the record and it has been observed that payment of Rs.3,06,000/- and Rs.5,94,000/- has been paid in shape of cheques to the applicant through banking channel, hence, total amount of Rs.9,00,000/- has been paid after deduction of withholding tax, whereas rest of the amount from the total amount Rs.15,00,000/- has been regretted mainly on the ground that applicant has failed to justify the remaining amount from the banking channel, although certificate of payment was issued by learned counsel in favour of applicant Arshad Mehmood Khan.

6. At this stage, it is difficult to ascertain as to whether applicant Arshad Mehmood Khan has paid any

amount through cash transaction to his counsel in terms of legal fee as this Court in criminal original is not in position to go into the disputed question of fact, which could only be resolved by the competent Court having jurisdiction in this regard, therefore, at this stage substantial compliance of order of Hon'ble Apex Court has been reflected from the record to the extent of Rs.9,00,000/-, whereas rest of the claim requires recording of evidence, therefore, instant criminal original stands disposed of with direction to the applicant to approach the competent Civil Court for recovery of his remaining claim if any under the law, if so advised.

(MOHSIN AKHTAR KAYANI)
JUDGE

Zahid