

JUDGMENT

Before Athar Minallah, J

HABIB BANK LIMITED through Litigation Officer---Petitioner

Versus

**FEDERATION OF PAKISTAN through President Secretariat Islamabad and 2 others---
Respondents**

W.P. No. 2700 of 2017, decided on 13th April, 2018.

ATHAR MINALLAH, J.---Through this consolidated judgment, I intend to decide the instant petition and the petitions listed in Annexure -A attached hereto.

2. The facts, in brief, are that the petitioner, namely Habib Bank Limited (hereinafter referred to as the "petitioner Bank"), is a financial institution within the ambit of the definition of the said expression under the Financial Institutions (Recovery of Finances) Ordinance, 2001 (hereinafter referred to as the "Ordinance of 2001"). The private respondents in all the petitions are customers of the petitioner Bank. The controversy in the instant petitions relates to the transactions which were made through the mode of Electronic Fund Transfer, except in the case of W.P. No.2910/2017. In all the other petitions the petitioner Bank had extended to the respondent customers the facility/service of Internet Banking. The respondent customers had alleged that unauthorized funds were transferred from their respective accounts maintained and managed by the petitioner Bank. They filed complaints as soon as they had discovered such unauthorised transactions. The petitioner Bank, through its Fraud Risk Management Unit, investigated the complaints and as a consequence indentified the accounts which were used for making the alleged unauthorized transfers. It is an admitted position that in all the petitions the alleged unauthorized transfer of funds i.e the transactions whereby funds had been transferred were made prior to 11-11-2016. This date is crucial as would become obvious from the discussion which is to follow. In the case of W.P. No.2910/2017, the respondent customer had filed a complaint to the effect that the funds deposited by his authorized representative were not credited to his account. It was alleged that a person, who was later identified as having been actually employed as a security guard, had been authorised by the management of the concerned Branch to receive the funds and sign deposit slips. It was further alleged that he was doing so with the permission of the local management of the Branch. In all these cases when satisfactory response from the petitioner Bank was not forthcoming the respondent customers were compelled to invoked the jurisdiction of the learned Banking Mohtasib appointed under section 82-A of the Banking Companies Ordinance, 1962 (hereinafter referred to as the "Ordinance of 1962"). The learned Banking Mohtasib after inquiring into the complaints and affording all the parties opportunity of hearing passed respective orders whereby the petitioner Bank was directed to refund the amounts to the respondent customers. The learned Banking Mohtasib had passed speaking orders in each case, in the exercise of powers vested under section 82-D of the Ordinance of 1962 read with the enabling provisions of the Federal Ombudsmen Institutional Reforms Act, 2013 (hereinafter referred to as the "Act of 2013"). The petitioner Bank preferred representations to the President of Pakistan. The representations

were considered and dismissed by the President of Pakistan through separate detailed orders. The concurrent findings of the learned Banking Mohtasib and the President of Pakistan have been assailed by invoking the jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 (hereinafter referred to as the "Constitution").

3. The learned counsel for the petitioner Bank have contended that; the Payment Systems and Electronic Fund Transfers Act 2007 (hereinafter referred to as the 'Act of 2007') is a special Statute, which provides for the powers and mechanism for adjudication of disputes; the learned Banking Mohtasib has no jurisdiction to entertain or adjudicate grievances which involve matters falling within the exclusive mandate of the Act of 2007; the provisions of section 82-A to 82-D of the Ordinance of 1962 offends Article 10-A of the Constitution; the learned Banking Mohtasib is not a Court empowered to determine civil rights and liabilities, particularly relating to disputes in respect of electronic transactions and transfers; the principles of due process were not observed by the learned Banking Mohtasib; in all the cases the respondent customers were negligent and unauthorized transfers were made by using their IDs and passwords; the petitioner Bank could only have been held responsible for fraudulent electronic transfers due to failure of the security system of the latter and not if the use of authenticated IDs known to the customers had been misused; the orders passed by the learned Banking Mohtasib are not sustainable in law; the orders of the learned Banking Mohtasib are arbitrary; the learned Banking Mohtasib has erred in concluding that the failure on the part of the petitioner Bank to implement the State Bank's Circular i.e. PSD Circular No.03/2015 titled 'Regulations for the Security of Internet Banking (hereinafter referred to as the "Circular")' was sufficient to make it liable; the petitioner Bank had been given time by the State Bank to comply with the requirements; all other financial institutions in Pakistan were also allowed to extend Internet Banking facilities to its customers despite non compliance with the Circular; substantial compliance had been made by the petitioner Bank; the learned Banking Mohtasib is not vested with jurisdiction to decide cases relating to fraud committed through the mode of electronic transfers and transactions; the Act of 2007, being a special law, overrides the provisions of the Ordinance of 1962; reliance has been placed on 'Brig. Sher Ali Baz v. Secretary Establishment Division', PLD 1991 SC 143, 'Wapda v. Muhammad Arshad Qureshi and others', 1986 SCMR 18, 'Syed Mushahid Shah v. Federal Investment Agency' 2017 SCMR 1218 and 'Sui Northern Gas Pipeline Ltd v. Wafaqi Mohtasib', 2015 MLD 1029; the Act of 2007 is to be treated as an implied repeal of the Ordinance of 1962; reliance has been placed on 'Syed Mushahid Shah v. Federal Investment Agency' 2017 SCMR 1218, 'I.G. HQ Frontier Corps v. Ghulam Hussain and others' 2004 SCMR 1397; misuse of IP address is not the responsibility of the petitioner Bank; the Circular was not violated by the petitioner Bank.

4. Some of the respondent customers were represented through counsel while others appeared in person; they have argued that; the petitioner Bank owed a duty of care; the Circular was not implemented within the time specified therein; no information was provided to the users/customers of electronic transactions and transfers nor were they put to notice that the Circular had not been fully implemented; the learned Banking Mohtasib is vested with jurisdiction in the case of complaints which are regarding mal-administration or failure of a financial institution to implement instructions and guidelines issued by the State Bank of Pakistan; in the instant case the facility of Electronic Fund Transfer was extended to the customers without putting them to notice that the Circular had not been implemented; non compliance with the instructions/guidelines issued by the State Bank of Pakistan manifested maladministration; the respondent customers had informed the petitioner Bank regarding unauthorized use of the facility but the latter neither took

prompt action nor credited the accounts; the concurrent findings are well reasoned and do not suffer from any legal infirmity so as to require interference while exercising jurisdiction under Article 199 of the Constitution.

5. The learned counsel have been heard and the record perused with their able assistance.

6. The petitioner Bank is a financial institution engaged in the business of banking. It is an admitted position that the petitioner Bank is neither administratively nor financially controlled by the Government of Pakistan and that it is engaged in business for earning profit. The respondent customers maintain accounts and have remained customers of the petitioner Bank for a considerable time. In all the petitions the alleged unauthorized transactions through electronic transfers were made prior to 11-11-2016. The Circular had explicitly instructed the financial institutions to implement the guidelines by declaring that it would take effect on 01-04-2016. The fundamental question which has been raised by the learned counsel for the petitioner Bank is regarding the jurisdiction of the learned Banking Mohtasib in matters which are covered under the Act of 2007. The argument is twofold i.e. the Act of 2007 being a special law has an overriding effect and that it has the effect of implied repeal. Moreover, the vires of sections 82-A and 82-D of the Ordinance of 1962 have also been raised. In order to answer the questions raised by the learned counsel for the petitioner Bank, it would be advantageous to examine the relevant provisions of the Ordinance of 1962 and the Act of 2007.

7. The Banking Mohtasib is appointed by the President in consultation with the Governor of the State Bank of Pakistan under subsection (1) of section 82-A of the Ordinance of 1962. The terms and conditions of the learned Banking Mohtasib have been specified in section 82-B. The jurisdiction of the Banking Mohtasib has been described in subsection (3) of section 82-A, which, inter alia, includes enquiring into complaints of banking malpractices and violations of banking laws, rules, regulations or guidelines. Moreover, all forms of maladministration also falls within the jurisdiction of the learned Banking Mohtasib. The powers and responsibilities of the learned Banking Mohtasib are described in subsections (4) and (5) of section 82-B. Clause (a) of subsection (5) explicitly provides that the Banking Mohtasib shall be authorized to entertain complaints, inter alia, relating to failure on the part of a financial institution operating in Pakistan to act in accordance with banking laws and regulations, including policy directives or guidelines issued by the State Bank of Pakistan from time to time. The proviso to section 82-B(5)(a)(i) contemplates that in the case of a dispute as to the proper interpretation of any regulations, directions or guidelines, the same are to be referred to the State Bank for clarification. Likewise, section 82-B(5)(b) provides that the Banking Mohtasib shall be authorized to entertain complaints against a financial institution in the public sector, inter alia, on the ground of gross dereliction of duty in dealing with customers or corrupt or mala fide practices by bank officers. Section 82-C provides for making a reference made by a Court to the Banking Mohtasib. Section 82-D describes the procedure for making complaints. Subsection (5) of section 82-D provides that the learned Banking Mohtasib may reject a complaint summarily or may accept the same or pass any other order as it deems fit. The recommendations for implementation are dealt with under section 82-E, while the power to call for information is provided under section 82-F. These provisions are supplemented by the Act of 2013. A combined reading of these provisions unambiguously shows that violations of regulations or guidelines issued, inter alia, by the State Bank of Pakistan and all forms of maladministration falls within the ambit of jurisdiction of the learned Banking Mohtasib. The learned Banking Mohtasib is explicitly empowered to entertain and decide complaints relating

to failure on the part of a financial institution to act, inter alia, in accordance with policy directives or guidelines issued by the State Bank of Pakistan. Moreover, in the case of financial institutions established in the public sector additional grounds are also available to the learned Banking Mohtasib to entertain complaints and the same are described under section 82-B.

8. The Act of 2007 has been enacted with the object and purpose of supervising and regulating Payment Systems and Electronic Fund Transfers in Pakistan and to provide standards for the protection of the consumer and to determine respective rights and liabilities of the financial institutions and other service providers, their consumers and participants. Section 2 defines various expressions. Section 3 describes the powers of the State Bank of Pakistan and provides that the latter may generally, in respect of the Act of 2007 or in respect of any particular provision *ibid*, or generally in respect of payment systems or the conduct of all or any of the service providers, operators of payment systems or users of Payment Instruments, issue such rules, guidelines, circulars, by-laws, standards or directions as it may consider appropriate. Section 4 empowers the State Bank to designate a Payment System as Designated Payment System through a written order provided if it finds it to be necessary in the public interest. Under section 5, the State Bank may revoke the designation of a Designated Payment System. Section 11 describes the obligations of an operator of a Designated Payment System which are reproduced as follows:-

"11. Operational Arrangement. An Operator of a Designated Payment System shall establish the following operational arrangements:

- (i) Rules and procedures setting out the rights and liabilities of the operator and the participant and the financial risks the participants may incur;
- (ii) Procedures, controls and measures for the management of credit, liquidity and settlement risk, including rules determining the time when a payment instruction and a settlement is final;
- (iii) criteria for participation in the Designated Payment System; and
- (iv) measures to ensure the safety, security and operational reliability of the Designated Payment System including contingency arrangements."

9. Section 12 further empowers the State Bank of Pakistan to prescribe a Payment Instrument as a Designated Payment Instrument. Section 15 explicitly deals with security and the same is reproduced as follows:-

"Security. Financial Institutions and other institutions providing Electronic Funds Transfer facilities shall ensure that secure means are used for transfer, compliant with current international standards and as may be prescribed by the State Bank from time to time."

10. Chapter VII of the Act of 2007 is in respect of notification of error. Section 36 describes what may be construed as an error and, inter alia, includes an unauthorized Electronic Fund Transfer. Section 37 provides that if the Financial Institution determines that an error has occurred, it shall promptly, and in no event later than one business day after such determination, correct the error, including crediting of a consumer's account with mark up where applicable. Section 38

specifies the consequences when there is absence of an error. Section 40 describes the consumer's liability while section 41 determines the burden of proof. Chapter IX of the Act of 2007 is in respect of actions and proceedings before a competent Court. Section 59 provides for the overriding effect of the Act of 2007 over the law of insolvency. Section 67 provides that the Act of 2007 shall have effect, notwithstanding anything to the contrary provided in any other law for the time being in force or any agreement, contract, memorandum or articles of association.

11. There is no cavil to the proposition that the Act of 2007 is a comprehensive and special law relating to Payment Systems and Electronic Fund Transfers in Pakistan. The State Bank of Pakistan is vested with exclusive power under sections 3 and 15 to issue circulars or directions, inter alia, to protect and safeguard the users and customers of a financial institution. The legislature, having regard to the systematic risk, has unequivocally imposed upon an operator of a Designated Payment System statutory obligations which have been described under section 11. The safety, security and operational reliability of the Designated Payment System is not only a statutory obligation of an operator, rather section 15 unambiguously provides that financial institutions and other institutions providing Electronic Funds Transfer facilities shall ensure that secure means are used for transfer, compliant with current international standards and as may be prescribed by the State Bank from time to time. In the exercise of powers vested in the State Bank of Pakistan under sections 3 and 15 of the Act of 2007, the Circular was issued on 21.10.2015. The Circular was explicitly made effective from 01-04-2016. Clause 2.2.1 (b) of the Circular made it mandatory for all the financial institutions offering the facility of Internet Banking to implement at least two factor of authentication such as passwords (1st factor) and one time tokens, Dongles etc. (2nd factor). Two factor authentication was made mandatory in the light of the statutory obligations under section 15 of the Act of 2007 in order to safeguard and protect the users/customers. As already noted above, the Circular was explicitly made effective from 01-04-2016. It was, therefore, a statutory obligation of all the financial institutions to have ensured implementation of the Circular. In case a financial institution could not implement the Circular within the prescribed time then, keeping in view its statutory obligations, it was definitely required to have informed its customers regarding the risks involved in using the Designated Payment Instrument through the Designated Payment System.

12. In a nutshell, admittedly the State Bank of Pakistan, through the Circular, had given specific directions to the financial institutions in exercise of powers under section 3 read with section 15 of the Act of 2007 and the same were made effective from 01-04-2016. The powers and jurisdiction of the learned Banking Mohtasib described under the Ordinance of 1962 have been discussed above. They, inter alia, extend to violations by the financial institutions of regulations, directions and instructions of the State Bank of Pakistan and all forms of maladministration. The jurisdiction and powers vested in the learned Banking Mohtasib under the Ordinance of 1962 read with the Act of 2013 are by no stretch of the imagination in conflict with the provisions of the Act of 2007 so as to attract the overriding effect provided under section 67 *ibid*. The Act of 2007 would have been relevant if, in the instant petitions, the Circular had been implemented and complied with by the petitioner Bank on or before the date when it was to come into effect i.e. 01-04-2016 or if the respondent customers had been put to notice regarding the inability of the petitioner Bank to fulfil its obligations there under and thus exposure to the risks involved in using the facility.

13. In the facts and circumstances in the petitions at hand, except in W.P. No.2910/2017, the respondent customers had promptly informed the petitioner Bank regarding the unauthorized use

of Electronic Fund Transfers. The petitioner Bank had also identified those accounts which had been used for the unauthorized transfers. However, the petitioner Bank did not take any prudent steps despite the fact that the bona fides of the respondent customers stood affirmed. The duty of care owed by the petitioner Bank towards its customers, who had reposed their trust by placing their funds in the accounts maintained by the former, had definitely been breached. The learned Banking Mohtasib had assumed jurisdiction because the petitioner Bank had failed to implement and comply with the clear directions of the State Bank contained in the Circular. The customers were also not cautioned by the Bank that they could expose themselves to the risk of fraud or misuse in the absence of putting in place at least two factor of authentication such as passwords (1 factor) and one time tokens, Dongles etc. (2nd factor). Admittedly, in all these cases the petitioner Bank had failed to comply with the directions contained in the Circular within the specified time nor had the customers had been informed or cautioned regarding the exposure to risks. The petitioner Bank, in breach of its duty of care, had exposed the respondent customers to the risk of unauthorized electronic transactions.

14. The learned Banking Mohtasib was indeed vested with jurisdiction since the complaints stemmed from the failure of the petitioner Bank to implement and comply with the directions of the State Bank of Pakistan on or before the effective date, 01.04.2016. Even if the State Bank had not issued the Circular, the petitioner had a duty of care, rather a statutory duty under section 15, to take all necessary steps to safeguard and protect its customers against breach of security. Admittedly, the directions contained in the Circular relating to Internet Banking and Mobile Banking were implemented by the petitioner Bank on 29-11-2016 and 11-11-2016 respectively. In all the cases at hand the alleged unauthorized transactions had taken place prior to 29-11-2016. The learned counsel who have appeared on behalf of the petitioner Bank were asked whether any unauthorized transactions were reported after the implementation of the directions of the State Bank contained in the Circular. Their answer was in the negative. Besides failure to implement the directions of the State Bank of Pakistan, the facts and circumstances highlighted above tantamount to a classic case of maladministration on the part of a financial institution which is engaged in business for profit and owes a duty of care towards its customers. The learned Banking Mohtasib had exercised jurisdiction to the extent of failure on the part of the petitioner Bank to comply with the regulations/instructions of the State Bank and obvious maladministration.

15. There is no provision under the Act of 2007, which expressly bars the jurisdiction of the learned Banking Mohtasib vested in the latter under the Ordinance of 1962. As already noted above, the overriding effect provided under section 67 of the Act of 2007 is also not attracted since the provisions relating to the jurisdiction and powers vested in the learned Banking Mohtasib under the Ordinance of 1962 have not been found to be in conflict with the provisions of the former statute. It is, therefore, declared that the learned Banking Mohtasib was vested with jurisdiction in respect of the complaints registered by the respondent customers. Likewise, the complaint against the petitioner Bank in the case of W.P. No.2910/2017 i.e. a person employed as a guard having been held out to the customers as an official entrusted with duties to receive funds and sign payment receipts was definitely a classic example of maladministration. The relevant officials of the petitioner Bank, who had appeared during the proceedings before the Banking Mohtasib, had unambiguously admitted that a person employed as a guard had been allowed by the management of the concerned Branch to perform duties, without uniform, at the counter for receiving funds and signing deposit slips. The customers had not been put to notice that they were dealing with a person who was employed as a guard.

16. There is no force in the argument raised by the learned counsel for the petitioner Bank that the enactment of the Act of 2007 has the effect of implied repeal of the provisions relating to the powers and jurisdiction of the learned Banking Mohtasib to the extent of electronic transactions. There is no cavil to the proposition that it is the exclusive domain of the legislature to legislate or to repeal and amend statutory enactments. The repeal of an existing law may be amended through express intendment or it may be implied from a statute enacted later in time and which contains provisions that are contrary those of an earlier Act of the Parliament. However, the necessary conditions for implied repeal of an earlier statute or provision by a later Statute are that, firstly, the two statutes cannot stand and coexist together, secondly, if they stand side by side this will lead to absurd consequences and thirdly, when the entire subject matter of the earlier statute or a provision thereof is taken away by the later statute. The provisions of the later statute must be so inconsistent with or repugnant to those of an earlier enactment that the two would not stand together and only then would the earlier one be deemed to have been impliedly repealed by the later in point of time. The new enactment, therefore, has to be irreconcilably inconsistent with the earlier legislation so that the former is demonstrably seen as having been terminated. Reliance is placed on 'Saiyyid Abul A'La MauDoodi, etc. v. The Government of the West Pakistan and others', PLD 1964 SC 673, 'Messrs Tank Steel and Re-Rolling Mills (Pvt.) Ltd. Dera Ismail Khan and others v. Federation of Pakistan and others', PLD 1996 SC 77, 'Maj. Mehtab Khan v. The Rehabilitation Authority and another', PLD 1973 SC 451, 'Mumtaz Ali Khan Rajban and another v. Federation of Pakistan and others', PLD 2001 SC 169 and 'Tanveer Hussain v. Divisional Superintendent, Pakistan Railways and 2 others, PLD 2006 SC 249. The provisions of the Act of 2007, to the extent of the jurisdiction and powers vested in the learned Banking Mohtasib under the Ordinance of 1962, are not irreconcilably inconsistent. This is so to the extent of a complaint, which is in respect of failure on the part of a financial institution to implement the regulations or instructions of the State Bank of Pakistan and all forms of maladministration. In all these cases at hand, the learned Banking Mohtasib had by no stretch of the imagination violated the Principles of due process. The orders are also well reasoned and do not suffer from any legal infirmity. The failure of the petitioner Bank to comply with the directions of the State Bank of Pakistan on or before 01-04-2016 or to put the respondent customers to notice is not disputed. The petitioner Bank, in the facts and circumstances, was definitely under an obligation to have credited the unauthorized transactions that had been made from the accounts of the respondent customers. As has been pointed out, the concurrent findings do not suffer from any illegality nor misreading or non-reading so as to warrant interference while exercising powers under Article 199 of the Constitution.

17. The petitioner Bank definitely owes a duty of care towards its customers. The petitioner Bank had identified the accounts which had been used for the unauthorised transfer of funds. In the instant petitions, the failure on the part of the petitioner Bank to perform its statutory obligations and breach of its duty of care are obvious. The petitioner Bank, instead of compelling its customers to initiate protracted legal proceedings, was expected to have treated them fairly. It was an obligation of the petitioner Bank to communicate information to the respondent customers in clear and unambiguous terms, particularly regarding the status of compliance with the directions of the State Bank and the extent of exposure to risk of fraud and misuse of the facility in the absence of implementation of at least two factor of authentication such as passwords (1 factor) and one time tokens, Dongles etc. (2nd factor). However, it would have been a different situation if the unauthorized transactions had taken place after the petitioner Bank had put in place the two factor authentication system. The petitioner Bank despite its failure to implement the directions of the State Bank of Pakistan contained in the Circular or to inform the respondent customers regarding

the risks involved in using the facility in such an eventuality kept the respondent customers deprived from putting to use their savings. The cost of litigation had to be borne by the latter for the maladministration and breach of duty of care on the part of the petitioner Bank. This was certainly not expected from a commercial entity engaged in carrying on business for profit. The respondent customers are definitely victims of callousness and maladministration of the petitioner Bank. The petitioner Bank has not treated the respondent customers fairly and with care. This Court, therefore, cannot ignore the conduct of the petitioner Bank which has definitely led to the causing of immense inconvenience, agony and financial loss to the respondent customers. The petitioner Bank, therefore, has exposed itself to compensate the respondent customers. These constitutional petitions are liable to be dismissed with costs.

18. The next question is regarding the extent of costs which a High Court may impose while exercising jurisdiction under Article 199 of the Constitution. The principles and law in this regard have been summarized by this Court in case titled "Major (Retd.) Ahmed Nadeem Sadal and others v. Federation of Pakistan through Secretary Sports, Islamabad and others", 2015 CLC 34 as follows:-

(i) It is recognized as a duty of the Court to take effective measures against obstinate litigants who resort to frivolous or fraudulent litigation.

(ii) Though Civil Procedure Code, 1908 (hereinafter referred to as "C.P.C.") is applicable to writ jurisdiction ("Hussain Bakhsh v. Settlement Commissioner, Rawalpindi; PLD 1970 SC 1), yet being extra ordinary constitutional jurisdiction, the High Court has ample power to do justice and to prevent misuse or abuse of its process.

(iii) Section 35-A of C.P.C., in no way limits the constitutional jurisdiction of a High Court and in appropriate cases can impose costs, while exercising jurisdiction under Article 199, "Notwithstanding the parameters" of the said provision. Thus costs in excess of the amount prescribed under Section 35-A, can be imposed.

(iv) Petitioners wasting public time and exchequer should be burdened with heavy costs.

▲ (v) Courts can award heavy costs for harassing others or dragging them in frivolous litigation.

(vi) High Court under its constitutional jurisdiction under Article 199 can award, in appropriate case, costs to compensate a party made to suffer unnecessarily through frivolous litigation.

(vii) Imposition of suitable costs is one of the mode to deter or eliminate frivolous litigation.

(viii) In appropriate cases proceedings under the law of contempt can be initiated against the litigant and the person who drafted the petition.

19. For the above principles, reliance is placed on "Inayatullah v. Sh. Muhammad Yousaf and 19 others", 1997 SCMR 1020, "S. M. Sohail v. Mst. Sitara Kabir-ud-Din and others", PLD 2009 SC 397, "Muhammad Azam v. Muhammad Iqbal and others", PLD 1984 SC 95, "Shahid Orakzai and another v. Federation of Pakistan", PLD 2008 SC 77, "Mir Sahib Jan v. Janan", 2011 SCMR

27, "Muhammad Anwar and others v. Mst. Ilyas Begum and others", PLD 2013 SC 255, "Khurshid Ahmad Naz Faridi v. Bashir Ahmad and 3 others", 1993 SCMR 639, "The Postmaster-General, Northern Punjab and (AJ&K), Rawalpindi v. Muhammad Bashir and 2 others", 1998 SCMR 2386, "Muhammad Zia v. Ch. Nazir Muhammad, Advocate and 4 others" 2002 CLC 59, "Kawasb, AGA and another v. City District Government, Karachi (CDGK) through Nazim-e-Ala and others" PLD 2010 Karachi 182, "Smt. Satya v. Teja Singh" AIR 1975 SC 105, "Hindustan Transport Co. and another v. State of U.P. and others" AIR 1984 SC 953, The Election Commission of India v. Shivaji and others" AIR 1988 SC 61.

20. In the light of the above discussion, all these petitions are dismissed with costs. The petitioner Bank shall pay to each respondent customer an amount of Rs.300,000/- within 15 (fifteen days) days from the date of receipt of a certified copy of this order for causing harassment and dragging them in frivolous litigation. The pay orders which were deposited with the Deputy Registrar (Judicial) of this Court pursuant to the order passed by this Court shall be forthwith released to the respective respondent customers.

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