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Judgment Sheet

IN THE LAHORE HIGH COURT LAHORE JUDICIAL DEPARTMENT

Case No: **W. P. 3114/2010.**

M/s Hudabiya Paper Mills **Versus** The National Accountability Bureau
Ltd. etc.

JUDGMENT

Date of hearing	04.10.2011
Petitioners by	M/s. Shahid Hamid, Abid Aziz Shaikh and Miss Ayesha Hamid, Advocates.
Respondent by:	M/s. Talib Haider Rizvi & Khurram Raza, Advocates.

Syed Mansoor Ali Shah, J:- This consolidated judgment shall decide the instant petition, as well as, petitions mentioned in Schedule A to this judgment as common questions of law and facts arise in these cases.

2. The narrative of the petitioners is that in pursuance of the conviction of Mian Muhammad Nawaz Sharif by the Anti-Terrorism Court No.1, Karachi on 06.04.2000 and Accountability Court, Attock Fort on 22.07.2000, respondent Authority arrogated to itself the power to recover the fines imposed on Mian Muhammad Nawaz Sharif not only by the Accountability Court, Attock Fort, but also by the Anti-Terrorism Court No.1 (Sindh High Court, Karachi). In this connection the Special Investigation Unit (SIU), NAB, Lahore illegally took-over various properties of the petitioners without any lawful authority. The

said properties are more fully described in Schedule-B to this judgment and for brevity have been collectively referred to as “Properties” hereinafter.

3. Learned counsel for the petitioners contends that the recovery of the properties from the petitioners on account of the sentence, fine and forfeiture imposed on Mian Muhammad Nawaz Sharif was wholly illegal and without lawful authority because the petitioners could not have been coerced into handing over their properties on behalf of Mian Muhammad Nawaz Sharif simply on account of family relationship. Even otherwise, Mian Muhammad Nawaz Sharif was acquitted in both the above cases by the august Supreme Court of Pakistan on 17.07.2009 (judgment reported as Mian Muhammad Nawaz Sharif v. The State, PLD 2009 SC 814) and by the Lahore High Court, Lahore on 26.06.2009 (judgment reported as Mian Muhammad Nawaz Sharif v. The State, PLD 2010 Lahore 81). After the acquittal of Mian Muhammad Nawaz Sharif even the nebulous connection of the Properties to Mr. Sharif stood removed. Therefore, the continued retention of Properties by the respondent is unconstitutional and illegal. It is further submitted that on 18.11.2009 the petitioners wrote to the respondent for the release/return of Properties but there has been no response.

4. Learned counsel for respondent NAB raised the following preliminary objections (raised in C.M. 2803/2010) to the maintainability of the instant petition:-

i. “That in the present Writ Petition, the Petitioner has requested the undoing of an act which was a result of political question. The Honourable Court is not empowered, exercising the authority under the Constitution, to issue a writ on the basis of **Doctrine of Political Question.**”

ii. “That no writ can be issued under the Constitution of Islamic Republic of Pakistan for any act performed by the Applicant/Respondent as a consequence of any negotiations and for **settlement arrived at by the Writ Petitioner, not with the Applicant/Respondent but with other authorities.**”

iii. “That under the equitable jurisdiction, this Honorable Court has the authority to issue a Writ for declaring the act of a person while exercising his authority. In the present case, the **Writ Petitioner has failed to disclose any act of the applicant which according to him, is violative of the Constitutional guarantees.**”

iv. “That the present writ petition is badly hit by **delay and laches** and merits to be dismissed in limine being aimed against recovery of share certificates which took place in the year 2000. Taking the allegation of the Petitioners true to the effect that recoveries made from them just on the basis of having relationship with Mian

Nawaz Sharif were illegal, then the present Writ Petition for redressal of their so called alleged grievance has been filed with delay of nine years without providing any sufficient cause or explanation as to what refrained them seeking any relief earlier, delay defeats equity, the Writ Petition should be dismissed on this ground alone.”

(emphasis supplied)

5. He then referred to a maze of miscellaneous applications namely: C.M. No.2801/2010 for production of additional documents, C.M. No.2802/2010 for impleading Mian Muhammad Nawaz Sharif as party to the proceedings and C.M. No.2868/2010 for impleading Government of Pakistan as party to the proceedings and contended that they ought to be decided first.

6. Arguments heard, record perused.

7. After hearing the counsel for the petitioners, the court posed a simple question to the counsel for the respondent to explain under what authority of law the respondent was holding the properties of the petitioners. Learned counsel for the respondent, in reply, frankly submitted that the Properties are not retained in connection with any case pending or decided by the Authority including the above mentioned cases of Mr. Sharif. He further submitted that impugned action of takeover of the Properties was on the “verbal orders/instructions” of the Federal Government, purportedly issued in pursuance of “Settlement Agreement” entered into between Mr.

Nawaz Sharif and the Federal Government. Learned counsel neither produced the copy of the said “Settlement Agreement” before the court nor was he aware of its contents. Learned counsel for the respondent had no answer, when asked, if respondent NAB was authorized to execute agreements on behalf of Federal Government on verbal orders, and that too, without first assuming jurisdiction under the NAB Ordinance, 1999.

8. In spite of the inability of the Respondent Authority to explain the lawful authority under which the Properties were being held by the respondent Authority, learned counsel raised preliminary objections to the maintainability of the petitions and prayed that they be considered. We, therefore, take up the preliminary objections raised by the counsel.

Preliminary Objections.

a. *The instant petition is not maintainable as it is hit by the Doctrine of Political Question?*

9. It is argued, by the learned counsel for the respondent, that the subject matter of the petition involves a “political question,” therefore, this Court is not empowered to issue any writ in this matter. In other words, it has been contended, that the subject matter of the instant petition is non-justiciable. It is, therefore, necessary to understand the scope of Political Question Doctrine.

10. “The political question doctrine...holds that certain matters are really political in nature and best resolved by the body politic rather than by courts exercising judicial review...It should more properly be called the doctrine of non-justiciability, that is, holding that the subject matter is inappropriate for judicial consideration...Unlike other restrictions on judicial review- doctrines such as ...standing, ripeness and prematurity, abstractness, mootness, and abstention- all of which may be cured by different factual circumstances... non-justiciability is absolute in its foreclosure of judicial scrutiny.”¹
“While jurisdiction characterizes the authority of the court to hear a case, justiciability characterizes the structure and form of a legal dispute and denotes its suitability for adjudication.”²

11. Justice Brennan of the United States Supreme Court explaining the doctrine in the celebrated case of *Baker v. Carr*³ held that:
“....what the courts mean by a political question is that there is a certain category of cases which they are precluded from hearing, because there is a clear textual commitment of the issue to another branch of government, and there is a lack of judicially manageable standard by which courts can resolve the dispute, or there are factors that make judicial determination of the matter politically inexpedient.
At issue under the “political question doctrine” is the relationship

¹ *Ronald D Rotunda & John E. Novwak*- Treatise on Constitutional Law – Substance and Procedure - 2nd edition. p. 275, vol-1

² *Craig R Ducat and Harold W Chase*- Constitutional Interpretation. 5th ed- p.15

³ *Justice Brennan* in *Baker v. Carr* - 369 US 186

between the judiciary and the co-ordinate branches of the government.⁴”

12. Justiciability can be normative or institutional says Justice Aahron Barak⁵. Normative justiciability aims to answer the question whether there are legal criteria for determining a given dispute, while institutional justiciability is concerned with the question whether the dispute should be adjudicated in a court at all.

13. Our courts have also considered this doctrine. In *Khawaja Muhammed Sharif case*⁶ this Court held that: “The rule that political questions, as far as possible, should not be decided by Courts, has primarily sprung up from decisions of Courts taken in respect of cases under Article 234 of the Constitution, which is equivalent to Article 356 of the Indian Constitution, where the action of the President is subject to the ratification of Parliament, and where it is generally felt proper to leave the decision of such questions for the decision of Parliament, or where election has been ordered, to the will of the people. Even otherwise, this rule is losing ground, due to the reason that constitutional mechanism in a democratic polity does not contemplate existence of any function which qua the citizens may be designated as political, so that orders made in exercise thereof cannot be tested for their validity before the Court..... Every constitutional

⁴ *Fazal Karim*- Judicial review of Public Actions – p1061, vol-2

⁵ in *The Judge in a Democracy* (p 177-186), Princeton University Press, 2006

⁶ *Khawaja Muhammed Sharif v. Federation of Pakistan* – PLD 1988 Lah 725 at 774-775.

question concerns the allocation and exercise of governmental powers and no constitutional question can, therefore, fail to be political. A Constitution is a matter of present politics, a structure of power.”

14. Justice Saleem Akhtar J. speaking for the Supreme Court of Pakistan in *Achakzai case*⁷ said: “...The fact that any question is a political question will not deter the court from determining it provided it involves the interpretation of the Constitution or the validity of such question is to be determined on the touchstone of the Constitution. The court would not adopt political question doctrine for refusing to determine difficult and knotty questions having political overtones. This would amount to abdication of judicial power.” Therefore, “the circumstance that the impugned action has political overtones cannot prevent the court from interfering therewith, if it is shown that the action taken is in violative of the Constitution. The superior courts have an inherent duty, together with the appurtenant power in any case coming up before them to ascertain and enforce the provisions of the Constitution and as this duty is derivable from the express provisions of the Constitution itself the court will not be deterred from performing its constitutional duty, merely because the action impugned has political implications⁸.”

⁷ PLD 1997 SC 426 at 519-520

⁸ *Federation of Pakistan v. Muhammad Saifullah Khan* PLD 1989 SC 166 at 190, also see *Fazal Karim- Judicial Review of Public Actions*. P.1062-3

15. The test of the Doctrine of Political Question rests on two questions: (i) whether there is legal standard or criteria to adjudge the issue and (ii) whether it is desirable to decide the dispute in court or should it rather be resolved by other organs of the state. Constitutional democracy is deeply anchored in the rule of law. As far as normative non-justiciability is concerned, there is no decision or action of the State that can transgress the framework of law. “In a democracy, law is not politics, and politics is subject to law.”⁹ According to Dr Thomas Fuller: “Be you never so high, the Law is above you”¹⁰.” As no decision or action of the State can be outside the four corners of law it will always remain susceptible to judicial scrutiny and audit. Tom Paine made this point in 1776 when he said: ‘that in America THE LAW IS KING. For as in absolute governments the King is law, so in free countries the law ought to be King and there ought to be no other.’¹¹” Hence with due process and fundamental rights firmly embedded in our Constitution, no State action or decision can escape judicial review by the constitutional courts including the most political of decisions.

16. As far as institutional non-justiciability is concerned, the question of desirability of taking up the matter might arise, not because the court cannot adjudicate the matter but because it might be

⁹ *Barak* – The Judge in A Democracy- p. 186.

¹⁰ Tom Bingham- The Rule of Law - p. 4

¹¹ *Thomas Paine*- Common Sense (1176- Oxford University Press) p.34

suitable that the matter is first reviewed and resolved by another branch of the government. Courts have the power to look into any matter without prejudice to its political content, especially if there is violation of law and fundamental rights of the citizen are under threat. Therefore, except a few matters like foreign policy, declaration of war or signing a peace pact, etc. which have been traditionally left to the government purely because it is desirable that these matters be handled and resolved outside court. We, however, hurriedly qualify that this is not an absolute ouster by any court.

17. Keeping aside matters of international relations or other matters of State which do not directly affect an individual or a citizen, the Doctrine has no feet in matters where enforcement of fundamental rights of a citizen are involved. No matter how deeply political the issue, the doctrine cannot thwart or restrict the exercise of judicial power in such matters. Any restraint on the part of constitutional court, in case of a constitutional or legal breach would amount to a judicial “under-reach” and will seriously undermine the *raison d’etre* of a constitutional court.

18. In the present case, relatives (citizens of this country) of Mian Muhammad Nawaz Sharif (as citizens) have invoked the constitutional jurisdiction of this court praying that their properties have been unlawfully held by respondent without any lawful authority and in violation of articles 4, 23 & 24 of the Constitution. The instant

case is a text book case of state excess and naked infraction of fundamental rights of the petitioners. It is not a matter of foreign policy or war between countries or any other state policy which perhaps lacks “judicially manageable standard by which courts can resolve the dispute”. Just the fact that the petitioners are related to Nawaz Sharif does not attract the doctrine of political question. The argument that there has been a “Settlement Agreement” between the petitioners and “other agencies” is evasive and almost fictional when considered in juxtaposition with the frank submissions of the learned counsel for the respondent, recorded above. The doctrine of political question is not even remotely attracted to the present case. This main preliminary objection of the respondent is, therefore, overruled.

b. *Settlement between the petitioners with “other agencies”*

19. The objection is that the petitioners have no Settlement with the respondent but with some “other authorities.” In Court, learned counsel for the respondent submitted that the “Settlement Agreement” has taken place with the Federal Government, however, he failed to place before the Court, copy of the “Settlement Agreement”, the details of its contents or more importantly the lawful justification of assuming jurisdiction in the matter when there is no case/reference filed against the petitioners with the respondent authority. This objection has no feet to stand on and is embedded in conjectures and surmises, hence overruled.

c. No constitutional guarantee of the petitioners is violated.

20. This objection on its face is trivial and preposterous. Lawful properties of the petitioners have been forcibly taken over by the respondent authority and since retained without lawful authority. There is a clear infringement of constitutional guarantees under Articles 4, 10A, 23 and 24 of the Constitution. This preliminary objection is overruled without further ado.

d. Laches.

21. It is argued that the petition has been filed after nine years of the taking over of the Properties. Forcibly depriving the petitioners of their lawful properties is unconstitutional and in the nature of a recurring wrong. Laches cannot stall enforcement of fundamental rights guaranteed under the Constitution. This objection is, therefore, overruled. Additionally, reliance is placed on Pakistan Post Office v. Settlement Commissioner and others, (1987 SCMR 1119) and Province of Punjab through Secretary, Irrigation and Power Department, Lahore v. Deputy Settlement Commissioner, Lahore and others, (1991 SCMR 1592).

Miscellaneous Applications.

22. We now take up the miscellaneous applications mentioned above. The applications for impleading Federal Government or Mian Nawaz Sharif carry little weight in the light of the conceding

statement made by the counsel for the respondent before the Court, discussed above. In the absence of any Settlement Agreement shown to the court involving the petitioners, the Federal Government or Mian Nawaz Sharif are not necessary parties.

23. The other application deals with placing additional documents on record. We have gone through the list of documents. Respondent has prayed through the said application to direct the petitioners to place on record the “Settlement Agreement” or any other document which could form tangible basis for the impugned action of the respondent authority. This prayer besides being unique, reinforces that the respondent are not in possession of the “Settlement Agreement” and therefore, have no lawful justification to hold the Properties. All these applications for the above reasons are dismissed.

Main Case.

24. There is nothing on the record and no plausible justification has been given by the counsel for the respondent to show how the Properties of the petitioners are being withheld by the respondent. Learned Counsel for the respondent has frankly submitted that the Properties have not been subject matter of any case or reference before the respondent authority and have not been taken over or held in pursuance of the same including the cases of Mian Nawaz Sharif mentioned above. He went on to submit that the Properties have been

taken over in pursuance of a “Settlement Agreement” entered into between Mian Muhammad Nawaz Sharif and the Federal Government but failed to furnish a copy of the same. Lastly, the counsel added that respondent authority acted on “verbal orders/instructions from the Federal Government.”

25. The act of taking over and thereafter the retention of Properties of the petitioners by the respondent is a stark transgression of the constitutional protections and guarantees provided under articles 4, 10A, 23 and 24 of the Constitution. The impugned action is without the backing of law and therefore the due process provided under article 4 and 10A stands offended. Further, articles 23 and 24 of the Constitution mandate that every citizen shall have the right to hold his property and no person shall be compulsorily deprived of his property except in accordance with law. These constitutional guarantees of the petitioners have also been trampled upon by no less but the leading accountability authority in the country without demur.

26. Learned counsel for the respondent submitted that the impugned action was taken on the basis of a “verbal order” received from the Federal Government. Pakistan is not a kingdom which runs on the diktat of the king. It is a modern constitutional democracy, which rests on supremacy of the rule of law. There is no king and the highest office in the country is subject to law and has to function in accordance with law. Every public officer or public functionary has to

discharge his duties as a trustee on behalf of the people of Pakistan, with the highest level of dedication, commitment, integrity, transparency and fairness at his command. Like any trustee, a public functionary, must hold the interest of the public supreme. Public functionaries run the wheels of government through their decisions and orders, which therefore form the sinews of modern constitutional government. These decisions and orders of the public functionaries must at all times be just, fair, equitable, transparent, speaking, well-reasoned and within the four corners of law. Any transgression or infraction of law by the public functionary is open to judicial review by the courts, who sit as “auditors of legality”¹² over these decisions. Section 24 of the General Clause Act, 1897 provides that power to make any order or give any direction conferred on any authority, office or person, must be exercised reasonably, fairly, justly and for the advancement of the enactment. Inbuilt, in this, is the self-evident and unquestionable requirement that the decision or order must be in WRITING. Written order identifies its author and its recipient, written form is the only medium that brings to fore the reason behind the order and it is the order in writing that undergoes accountability of judicial review. Therefore, for an order to be in writing is integral to good governance and the rule of law. Verbal Order of a public functionary has no legal existence and does not constitute an order. Running of the government on verbal orders amounts to

¹² *Tom Bingham* - The Rule of Law.

domesticating the government into a personal fiefdom and trivializing the affairs of the State into a household affair, which cannot be permitted. Hence, governance through verbal orders is bound to be chaotic, corrupt, disorderly and unaccountable. In short, a system based on verbal orders in the public sector can take the country through “a short route to chaos.” Verbal orders in the affairs of government or the public sector have no sanctity of law.

27. Rule of law is an integral part of a healthy democracy. It is essential for the public functionaries to understand the importance and meaning of a democratic welfare state. “What is democracy? ...It rests on two bases. The first is the sovereignty of the people. This sovereignty is exercised in free elections, held on regular basis, in which the people choose their representatives, who in turn represent their views. This aspect of democracy is manifested in majority rule and in the centrality of the legislative body through which the people’s representatives act. This is the formal aspect of democracy. It is of central importance, since without it the regime is not democratic...The second aspect of democracy is reflected in the rule of values (other than the value of majority rule) that characterize democracy. The most important of these values are separation of powers, the rule of law, judicial independence, human rights, and basic principles that reflect yet other values (such as morality and justice), social objectives (such as the public peace and security), and

appropriate ways of behaviour (reasonableness, good faith). This aspect of democracy is the rule of democratic values. This is a substantive aspect of democracy. It too is of central importance. Without it, the regime is not democratic.”¹³

28. According to Justice Aharon Barak there are three aspect of the rule of law. The first is the formal aspect i.e., making the law rule. The second aspect is a jurisprudential one, concerning the minimal conditions for the existence of law in society. The third aspect is substantive and concerns the rule of law that properly balances between the individual and the society. “When we say that a fundamental principle of democracy is the rule of law, we refer to all three aspects. “The rule of law means, at a minimum, rule by law. In my opinion, it means guaranteeing fundamental values of morality, justice, and human rights, with a proper balance between these and the other needs of society... the rule of law is not merely public order, the rule of law is social justice based on public order. ...This is the rule of law that strikes a balance between society’s need for political independence, social equality, economic development, and internal order, on the one hand, and the needs of the individual, his personal liberty, and his human dignity on the other. The judge must protect this rich concept of rule of law.”¹⁴

¹³ Aharon Barak - The Judge in a Democracy by (Page 23-24), Princeton University Press, 2006

¹⁴Aharon Barak – The Judge in a Democracy- Princeton.

29. According to the statement of the counsel for the respondent, NAB has succumbed to verbal instructions of the political government in power at that time. Public functionaries being trustees of public property should stand as pillars against abuse of law and process. To all the said officers, the words of founder of the nation, Quaid-e-Azam Muhammad Ali Jinnah, might be a timely reminder:

“The first thing that I want to tell you is this, that you should not be influenced by any political pressure, by any political party or individual politician. If you want to raise the prestige and greatness of Pakistan, you must not fall a victim to any pressure, but do your duty as servants to the people and the State, fearlessly and honestly. Service is the backbone of the State. Governments are formed, Governments are defeated, Prime Ministers come and go. Ministers come and go, but you stay on, and, therefore, there is a very great responsibility placed on your shoulders. You should have no hand in supporting this political party or that political party, this political leader or that political leader – this is not your business.¹⁵”

30. For the above reasons the impugned action of taking over and holding the properties of the petitioners is hereby declared unconstitutional, *ultra vires* NAB Ordinance, 1999 and without lawful authority. As a consequence NAB is directed to release the Properties of the petitioners forthwith. Considering the major part of the Properties (Part-I of Schedule B) are already deposited with the

¹⁵ *Jinnah Speeches and Statements 1947 – 1948* – Talk to Civil Officers at Government House, Peshawar- OXFORD.

Deputy Registrar of this Court vide interim order dated 09.09.2010 of this court, the Deputy Registrar is directed to forthwith release the said Properties to the petitioners through Tariq Dastgir Khan son of Ghulam Dastgir Khan, resident of 52-A/M, Gulberg-III, Lahore (name proposed by the learned counsel for the petitioners). Two other properties in the shape of cash in the sum of Rs.115 million are under lien and lying with the National Bank of Pakistan, Prime Minister's Secretariat Branch, Islamabad, as per Part-II of Schedule-B. The said branch of the Bank is directed to release the said amounts (cash) to the petitioners through the above named attorney on receipt of this order forthwith.

31. A state authority that has been set up only to carry out accountability in the country has unashamedly flouted the rule of law, democratic traditions, settled principles of due process and constitutionally guaranteed fundamental rights of the petitioners without a minuscule of reason or justification. We, therefore, direct the respondent to pay compensatory costs in the sum of Rs 1,50,000. per petition which will be deposited in the Prime Minister's Flood Relief Fund within a month of the receipt of this judgment and proof of deposit shall be filed with the Registrar of this court within three months from the date of this order. Office is directed to fix this case before the Court in case costs are not deposited in the above terms. Reliance is placed on Kawas B. Aga and another v. City District

Government, Karachi (CDGK) through Nazim-e-Ala and others,
(PLD 2010 Karachi 182), *The Postmaster-General, Northern Punjab*
and (AJ&K), Rawalpindi v. Muhammad Bashir and 2 others, (1998
SCMR 2386), *Province of Sindh through Secretary, Home*
Department and others v. Roshan Din and others, (PLD 2008 S.C.
132), *Inayatullah v. Sh. Muhammad Yousaf and 19 others,* (1997
SCMR 1020), *Mst. Afsana v. District Police Officer, (Operation),*
Khairpur and 5 others, (2007 YLR 1618) and *M.D. Tahir, Advocate v.*
Federal Government and others, (PLD 1999 Lahore 409).

32. For the above reasons, these petitions are allowed in the above terms.

(Muhammad Khalid Mehmood Khan)
Judge

(Syed Mansoor Ali Shah)
Judge

*Iqbal/M.Tahir**

APPROVED FOR REPORTING

SCHEDULE A

Sr. No.	Case No.	Title
1.	W.P. No.3115/2010	M/s Hudabiya Engineering Company (Pvt.) Limited v. The NAB.
2.	W.P. No.3116/2010	Mrs. Sabiha Abbas. V. The NAB.
3.	W.P. No.3117/2010	M/s Hamza Spinning Mills Limited etc. v. The NAB.
4.	W.P. No.3118/2010	Muhammad Shahbaz Sharif v. The NAB.
5.	W.P. No.3119/2010	M/s Ramzan Sugar Mills Ltd. v. The NAB.
6.	W.P. No.3120/2010	M/s Chaudhry Sugar Mills Limited v. The NAB.

(Muhammad Khalid Mehmood Khan)
Judge

(Syed Mansoor Ali Shah)
Judge

*Iqbal/M.Tahir**

SCHEDULE B (“PROPERTIES”)**NON CASH.****Part- 1 (shares and immoveable property)****W.P. No.3114/2010.**

Sr.No.	Names of Shareholder of Hudabiya Paper Mills	No. of shares
1.	Mian Muhammad Sharif (late)	1,373,700
2.	Mrs. Shamim Akhtar	1,262,500
3.	Mr. Hussain Nawaz Sharif	897,600
4.	Mrs. Maryam Safdar	424,200
5.	Mrs. Asma Ali Dar	375,000
6.	Mr. Muhammad Shehbaz Sharif	10,000
7.	Mr. Hamza Shehbaz Sharif	303,000
8.	Mrs. Rabia Imran	303,000
9.	Mr. Muhammad Abbas Sharif	353,500
10.	Mrs. Sabiha Abbas	353,500
11.	Mr. Yousuf Abbas	353,500
12.	M. Aziz Abbas	353,500
13.	Miss Sara Abbas	353,500
14.	Miss Salma Abbas	353,500

W.P. No.3115/2010.

Sr.No.	Names of Shareholder of Hudabiya Engg. Co.	No. of shares
1.	Mian Muhammad Sharif (late)	48,850
2.	Mrs. Shamim Akhtar	33,740
3.	Mr. Hussain Nawaz Sharif	24,540
4.	Mrs. Maryam Safdar	12,270
5.	Mrs. Asma Ali Dar	8,000
6.	Mr. Hamza Shehbaz Sharif	8,750
7.	Mrs. Rabia Imran	7,000
8.	Mr. Muhammad Abbas Sharif	10,050
9.	Mrs. Sabiha Abbas	10,220
10.	Mr. Yousuf Abbas	10,220
11.	M. Aziz Abbas	10,220
12.	Miss Sara Abbas	10,220
13.	Miss Salma Abbas	10,220
14.	Mr. Mukhtar Hussain	100
15.	Mr. Abdul Hameed Butt	100

W.P. 3116/2010.

Original sale deed dated 12.5.1984 registered at Serial No.175, Book No.1, Volume No.51 on 12.5.1984 by Sub-Registrar, Murree in favour of Sabiha Abbas in respect of property No.54, Hall Road, Murree.

W.P. No.3117/2010.

Sr.No.	Names of Shareholder of Hamza Spinning Mills	No. of shares
1.	Mian Muhammad Sharif (late)	631,800
2.	Mrs. Shamim Akhtar	625,700
3.	Mrs. Kalsoom Akhtar	48,100
4.	Mr. Hussain Nawaz Sharif	163,100
5.	Mr. Hasan Nawaz Sharif	44100
6.	Mrs. Maryam Safdar	164,100
7.	Mrs. Asma Ali Dar	14,100
8.	Mr. Muhammad Shehbaz Sharif	17,300
9.	Mrs. Nusrat Shehbaz	16200
10.	Mr. Hamza Shehbaz Sharif	116,200
11.	Mr. Suleman Shehbaz Sharif	17,200
12.	Mrs. Rabia Imran	17,200
13.	Mrs. Javeriya Ali Yousaf	17,200
14.	Mrs. Ayesha Haroon	17,200
15.	Mr. Muhammad Abbas Sharif	136,000
16.	Mrs. Sabiha Abbas	135,700
17.	Mr. Yousuf Abbas	136,700
18.	Mr. Aziz Abbas	136,700
19.	Miss Sara Abbas	136,700
20.	Miss Salma Abbas	136,700
21.	Kh. Manzoor Hasan	1,000
22.	Mrs. Sabiha Javed	1,000
23.	Mr. Muhammad Javed	1,000
24.	Mrs. Atiqa Begum	1,000
25.	Mr. Mehmood ul Hasan Butt	1,000
26.	Mrs. Zahida Manzoor	1,000
27.	Mrs. Kalsoom Akhtar	1,000

W.P. No.3118/2010.

Original sale agreement executed by the Murree improvement Trust in favour of the M. Shahbaz Sharif in respect of plot No.53-C, Damaged Area Scheme Murree measuring 1 kanal 9 marlas and 197 sq.ft.

PART- 11**CASH**

Rs.115 million lying with National Bank of Pakistan, Prime Minister's Secretariat Branch, Islamabad, with the following details.

(a) W.P. No.3119/2010.

- (i) A sum of Rs.110 million (rupees one hundred and ten million) paid by Ramzan Sugar Mills through various banking instruments including cheques and demand drafts (six in all) as per details given below:-

Date	Bank	Cheque/Demand Draft no.	Amount (Rs)
12.03.2001	Habib Bank Ltd.	DJB 0214069/602/17	50,000,000
14.02.2002	Bank Alfalah	226716	12,000,000
14.03.2002	Bank Alfalah	DDL 0012469/23	6,000,000
14.03.2002	Habib Bank Ltd.	DJB 886131/602/17	12,000,000
26.09.2002	Bank Alfalah	DDL 0015576/162	22,500,000
01.10.2002	Bank Alfalah	DDL 0015803/172	7,500,000

(b) W.P. No.3120/2010

- (iii) Rs.5,000,000/- (Rupees five million) paid by Chaudhry Sugar Mills through cross cheques payable to NAB bearing Nos. 025728 dated 22.03.2002 for Rs.4,700,000 and 025730 dated 6.4.2002 for Rs.300,000/- both drawn on Bank Alfalah Ltd., Kashmir Road, Lahore.

(Muhammad Khalid Mehmood Khan)
Judge

(Syed Mansoor Ali Shah)
Judge

*Iqbal/M.Tahir**