

CA 146/09

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT

Mr. Justice Abdul Hameed Dogar, HCJ
Mr. Justice Ch. Ejaz Yousaf
Mr. Justice Muhammad Farrukh Mahmud

CIVIL PETITION NO.134 OF 2009

(Against the judgment dated 23.12.2008 of the Lahore High Court, Lahore, passed in Writ Petition No.5076 of 2007)

The National Bank of Pakistan. ...Petitioner.

Versus

SAF Textile Mills Limited, through
Shazia Said Khan, Chief Executive/Director
and another. ...Respondents.

For the petitioner: Mr. Muhammad Akram Sheikh, Sr. ASC
Assisted by
Mr. Nadeem Ahmed Khan, Advocate.

For the respondents: Not represented.

Date of hearing: 11.2.2009.

ORDER

It is, inter alia, contended that in the impugned judgment, section 15 of the Financial Institutions (Recovery of Finances) Ordinance 2001, has been declared *ultra vires* to the provisions of Article 2-A, 3, 4, 9, 23, 24, 25 and 175 of the Constitution whereas the High Court of Balochistan, Quetta has declared the same being *intra vires*. As leave has already been granted in Civil Petition No.2182 of 2005 vide order dated 27.1.2009 by this Court, therefore, leave to appeal is also granted in this case.

2. Operation of the impugned judgment is suspended. Notice be also issued to the Attorney General for Pakistan.

Col. Abdul Hameed Dogar, HCJ
Col. Ch. Ejaz Yousaf, J
Col. Muhammad Farrukh Mahmud, J

Certified to be a true copy

Supervisor
Supreme Court of Pakistan
ISLAMABAD

14/2/09

Islamabad, the
11th February, 2009.
A. Rehman

14/2/09

