

IN THE HIGH COURT OF SINDH, KARACHI
Cr. Accountability Appeal No.05 of 2025

Present:

Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Khalid Hussain Shahani

Appellant:- Mahesh Kumar Hasija through M/s. Ahmed Ali
Hussain and Uroosha Memon, advocates.

Respondent:- The State through Syed Manzoor Ali,
Special Prosecutor NAB.

Date of hearing:- 28.04.2026.

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MUHAMMAD IQBAL KALHORO J: Appellant claims to be owner of Land Survey No.301, admeasuring 2.34 acres, situated at Deh Okewari, Gulshan-e-Iqbal, Karachi by way of purchase in the year 2007. It appears that against among others this land NAB filed a Reference No.28/2018 in which Chairman NAB filed an application u/s 12 of NAO 1999 seeking freezing of the entire land admeasuring 25 acres in total including the subject land. The NAB Court was required to decide the application sooner rather than later. However, the application was kept pending without any decision by NAB Court. Subsequently, appellant when, according to him, came to know of freezing of the land by NAB approached the NAB Court through an application seeking de-freezing of the said land. This application has been dismissed by NAB Court through impugned order on the ground that instead of filing objections in terms of section 13 of NAO 1999 the applicant had filed application which was not maintainable.

2. We have heard the parties and are of the view that the NAB Court could have treated the application as objections in terms of section 13 of NAO 1999 and decide the same on merits instead of dismissing it outrightly on such technicality without adverting to the merits of the case.

3. Learned Special Prosecutor NAB has not been able to contest the same position and therefore while setting aside the impugned order, with consent we remand the matter to the NAB Court with direction to treat the application of the appellant seeking de-freezing of his land as

objections in terms of section 13 of NAO 1999 and decide the same on merits after affording an opportunity of hearing to all concerned in accordance with law within reasonable time not exceeding three months.

The Cr. Accountability Appeal is accordingly disposed of in above terms along with pending application.

JUDGE

JUDGE

HANIF