

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P No.S-257 of 2023

Order with signature of Judge(s)

Hearing/priority case

1. For hearing of CMA No.2009/2023
2. For hearing of main case

17.05.2024

Mr. Ashraf Ali Shah, Advocate for the petitioner
None present for Respondent No.1
Mr. Ahmed Khan Khaskheli, AAG

Heard at length. Counsel for the petitioner files statement alongwith a copy of the challan in the sum of Rs.50,000/- having been paid to the National Bank Account No.4253514664 and Ledger No.13/2024. Also attached is a copy of Form-A from Book of Receipt Bearing No16341 (illegible) showing a sum of Rs.100,000/- having been deposited in Family Suit No.541 of 2019 in Execution No.24 of 2021. Counsel states that these deposits are made in compliance of this Court's order dated 20.08.2024. The respondent mother, who used to appear in person is called absent. This Court time and again has shown its concerns that the payments made in the Family as well as Rent cases are not properly maintained and records are very sketchy, it was only through intervention of this Court that in the District East accounts have been opened by the courts of Senior Civil Judges, Judicial Magistrates, Civil Judges, Family Judges and Consumer Protection Courts etc. and Court was informed that further accounts are also opened in Banks. It is very clear legal position via Section 7 of the Sindh Treasury Rules that a money received or tendered to government servants on account of revenue of the Province is to without undue delay paid in full to the Treasury or into the Bank to be included in the public account. Rules, also require that the money is not to be appropriated to meet departmental expenditures, nor otherwise kept from the public account.

It is also witnessed that the Receipts issued to the depositors are not proper, which even do not carry machine printed serial numbers, even details of the Book numbers which have been printed and put to use are also not available, which is serious lapse of the Rules as well preempt mismanagement. Accountant and the Nazir of all District East were called to produce relevant registers and deposit slips showing receipt of the sums in the courts in family matters. Perusal of the record shows clear disparity in the sums deposited in the courts and money credited to the treasury account and the cheques and payments made to the beneficiaries, as stated earlier presently the deposit slips are strangely printed through public printing press instead of having been printed and serialled as well, and catalogued by Government Printing Press.

In these circumstances, Nazir of this Court together with Additional MIT-II and any outside reputable firm of Chartered Accounts (E.g. Ferguson and Ferguson) is appointed to inspect all the sums deposited in the treasury accounts and banks from the period starting from the date of creation of the District Courts East being 01-07-1985. Nazir and his above appointees are also authorized to call all the registers, cash books, ledgers, deposit slips etc. and have the accounts reconciled after acquiring details from the Treasury Officers and the Banks and file a report. It is also ordered that investigation be made as to why the deposit slips are not printed from the Government Printing Press and why computers were not deployed to make the operations more smoother and transparent in the account branches. It is further observed and brought to record that notices are not issued to the recipient parties (Decree Holder) under Order XXI, Rule 1(2) CPC. Let a report in this regard also be furnished by Nazir. Superintendent (Judicial) East has submitted that no inspection has been carried out of the accounts over the years. The law requires that a District Judge has to close the books and issue inspection notes every year. Let a report be

also called from the learned District Judge in this regard providing details of all the bank accounts opened, monies lying in the treasury with complete breakup of the payments made in the treasury and the amount withdrawn therefrom with copies of Annual Inspection Notes. Let a report in this regard be furnished on or before 30.05.2024 through MIT-II of this Court.

To come up on 30.05.2024.

JUDGE

B-K Soomro