

PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

CABINET DIVISION

NOTIFICATIONS

Rawalpindi, the 25th August, 1975

✓
S. R. O. 920 (I)/75.— In exercise of the power conferred by sub-section (4) of section 4 of the Abandoned Properties (Taking Over and Management) Act, 1975 (XX of 1975), the Board of Trustees with the previous approval of the Federal Government is pleased to make the following regulations, namely:—

The Board of Trustees of the Abandoned Properties (Procedure) Regulations, 1975—

1. (1) These regulations may be called the Board of Trustees of the Abandoned Properties (Procedure) Regulations, 1975.
(2) They shall come into force at once.
2. In these regulations, unless there is anything repugnant in the subject or context,—
 - (a) "Act" means the Abandoned Properties [~~Taking Over and~~ Management] Act, 1975 (XX of 1975);
 - (b) "Chairman" means the Chairman of the Board;
 - (c) "Member" means a member of the board and includes the Chairman;
 - (d) "Registrar" means the Registrar of the Board and includes any other person authorized by the Board to perform the functions of the Registrar under these regulations; and
 - (e) Words and expressions used but not defined in these regulations shall have the same meaning as are assigned to them in the Act.

(1537)

Price Rs. 25

[4319/Ex.Gaz.]

limited by SRO 782(I)/76, dt. 3-8-76

3. The permanent seat of the Board shall be at Islamabad, but it may hold its meetings or hear appeals from time to time at such other places as the Chairman may appoint.

4. Three members, including the Chairman, shall constitute the quorum for holding the meetings of the Board or for hearing appeals under the Act.

5. The Board may fix suitable remuneration to be paid to its members for attending meetings of the Board.

6. The language of the Board shall be English but the Board may permit the use of the National Language or any one of the regional languages in any of its proceedings.

7. (1) The Chairman shall be the executive head of the Board, may decide all administrative matters referred to him and may, subject to rules, issue directions to the Administrator for incurring expenditure exceeding five thousand rupees but not exceeding fifteen thousand rupees for taking such measures as may be necessary for keeping the abandoned property in good repair or for carrying on the business or undertaking of the specified person: [or for any other purpose of the Act]

~~Provided that the Chairman shall lay before the next meeting of the Board all decisions taken and all directions issued by him under this sub-regulation for the information of the Board.~~

(2) The Board shall have the power to sanction expenditure exceeding five thousand rupees for the purposes referred to in sub-rule (1).

(3) Any party to the proceedings before the Board may apply to the Registrar for the supply of a copy of any document relevant to such proceedings or for the inspection of the record of any such proceedings and the Registrar may, after obtaining the approval of the Chairman, supply copy of such document on payment of two rupees per page of the document and permit the inspection of the record on payment of fifty paise per page.

8. (1) An appeal to the Board may be sent to the Registrar by registered post acknowledgement due or presented to him during office hours either by the appellant personally or through his advocate.

(2) In every memorandum of appeal, the competent authority against whose orders the appeal is preferred and any other party to the claim shall be shown as respondents.

(3) The Chairman may, if it is proved to his satisfaction that the execution of the order appealed against is likely to result in hardship to the appellant, stay the execution of such order.

9. (1) The Registrar shall scrutinise every memorandum of appeal received by him and shall if it is drawn up in accordance with the provisions of the Act and the rules cause it to be registered in the register of appeals to be maintained in the form appended to these regulations and shall, with the approval of the Chairman, fix a date for its preliminary hearing by the Board. He may ask for necessary number of additional copies of the memorandum of appeal and its enclosures for use of the Board.

(2) If the memorandum of appeal is not drawn up in accordance with the provisions of the Act and the rules, the Registrar shall return it to the appellant for amendment within such time as may be specified in the order which shall in no case be less than fourteen days, pointing out the deficiency in the memorandum.

1. Added 4 Subs. by S.R. 227(1)/76 dt. 6-3-1976
2. Subs. and deleted by S.R. 0-809(1)/77 dt 31.8.77 p(148)

2. Exceeding liberty five thousand rupees

11. m...
11. m...
11. m...

(3) If the memorandum of appeal is not resubmitted within the period fixed in the order under sub-regulation (2), the appeal shall stand dismissed.

10. (1) The Board may after hearing the appellant or his advocate dismiss the appeal *in limine*.

(2) If the appeal is not dismissed *in limine*, notice of admission of appeal and of the date fixed for its hearing subject to the provision of sub-regulation (3) shall be served on the appellant, the respondents and such other persons as the Board may deem proper.

(3) The appellant shall, within one week of the receipt of the notice of admission of his appeal or within such extended period as may be allowed by the Registrar, deposit with the Registrar—

(a) a cash security for costs amounting to two hundred and fifty rupees ;
and

(b) cost of service of notice on the respondents.

(4) If the appellant does not comply with the provisions of sub-regulation (3), the appeal may be dismissed by the Board.

11. (1) A notice under sub-regulation (2) of regulation 10 shall be in such form as may be laid down by the Board and may be served by registered post or in any other manner, including publication in one or more local daily newspapers, as the Board may direct, provided that a notice shall not be issued for publication in a newspaper until the cost of such publication is deposited by the appellant with the Registrar.

(2) The notice to a respondent shall, except where it is published in a newspaper, be accompanied by a copy of the memorandum of appeal and of the documents appended thereto.

(3) Service of notice in accordance with the provisions of these regulations shall be deemed to be due notice and it shall not be necessary to prove that a party has actually received the notice.

12. (1) A respondent to whom a notice of appeal has been served may send his objections to the appeal by registered post acknowledgement due to the Registrar so as to reach him, or deliver the same to the Registrar, either personally or through his advocate, not later than seven days before the date specified in the notice for hearing of the appeal, or within such extended period as may be allowed by the Registrar.

(2) Objections shall be legibly, correctly and concisely written and signed by the respondent or by a person authorised by him in that behalf and shall be accompanied by a copy of every document on which the respondent wishes to rely in support of his objections.

(3) The written objections shall be accompanied by eight spare copies thereof complete in all respects for use of the members of the Board and the appellant.

(4) In case objections are not received or delivered within the time allowed under sub-regulation (1), the respondent may be proceeded against *ex-parte*.

13. (1) An application for summoning witnesses before the Board shall be made as soon as possible after the issue of notice of appeal and shall state—

(a) the name, designation and address of the witnesses to be summoned ;
and

(b) a brief resume of the evidence which each witness is expected to give.

(2) If upon the receipt of an application under sub-regulation (1) or otherwise, the Board is of the opinion that the evidence of any witness is necessary for the disposal of the appeal before it, it may direct him to be summoned.

14. (1) A cause list shall be prepared under the orders of the Registrar which shall be affixed at the notice board of the court room of the Board.

(2) Except as otherwise directed by the Board, the cases shall be set down in the cause list in the order of their date of admission.

15. (1) The Board may, if it considers necessary, appoint an officer of the Board to record evidence of witnesses on behalf of the Board.

(2) Evidence of the witnesses examined by or on behalf of the Board shall be taken ordinarily in the form of a narrative and shall be signed by the recording officer and countersigned by the members and shall form part of the record.

(3) The Board may in the interest of justice close the evidence of any party if in its opinion the production or continuance of such evidence would involve inordinate delay or unnecessary expenses.

16. (1) If, on the date fixed for the hearing of an appeal or any other subsequent date to which the hearing may have been adjourned, the appellant or his advocate is not present before the Board, it may dismiss the appeal or, if it thinks fit, proceed to hear the other party and decide the appeal.

(2) Where an appeal has been dismissed under sub-regulation (1), the Board may, on such order as to costs as it may deem fit, restore the appeal.

17. (1) The Board may make such order as to costs of proceedings before it as it may deem fit and such costs shall be paid out of the cash security deposited under paragraph (a) of sub-regulation (3) of regulation 10.

(2) If, after deduction of the costs of proceedings any amount deposited as security remains unutilized, it shall be returned to the appellant.

18. If the Board is unable to arrive at a unanimous decision, views of the majority shall prevail.

REGISTER OF APPEALS

(See rule 10)

Sl. No.	Date of presentation of appeal	Name and addresses of the appellants	Name and addresses of the respondents	Date of registration of the appeal	Whether admitted or dismissed in <i>limine</i> , with date of order	Amount of cash security and costs deposited by the appellant	Date of final order	Brief substance of the final order	Date on which copy of the final order sent to the competent authority
1	2	3	4	5	6	7	8	9	10

MIAN MUHAMMAD AKRAM, ⁶³
 Secretary,
 Board of Trustees (Abandoned Properties).