

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Suits No. 1076 of 2015, 413, 1339, 269
and 1434 of 2016

DATE: ORDER WITH SIGNATURE(S) OF JUDGE(S).

For hearing of CMA No.9688/2015

03.08.2016

Mr. Imran Iqbal Khan, Advocate for the Plaintiffs.
Mr. Osama Aftab, Advocate holds brief for Mr. Kashif
Nazir, advocate for the Defendants.

Pursuant to order dated 26.07.2016, the counsel for the Plaintiffs has placed before the Court a copy of the Judgment passed in the case of Pakistan Beverages (Pvt.) Ltd and others v/s. Federation of Pakistan and others dated 18.05.2016, which has been identically carried out in Suit No.1497/2016 on the similar grounds, since the later Suit, for inadvertent reasons, was not tagged alongwith the main bunch decided by another bench of this Court.

Coming back to the controversy present before this Court, it is examined that the judgment passed in a number of cases, which were led by Suit No.41/2015 dated 15.07.2016, wherein an identical question as to the applicability of the Notification dated 05.12.2014 was placed before this Court and the Court by Judgment (vide paragraph 20) reached to a conclusion that the said Notification was not sustainable and was accordingly set aside. The counsel now has brought forward to this Court the Suit No.871/2016 alongwith three Suits bearing No. 1255 of 2016, 1034 of 2016 and 1086 of 2016, where in terms of prayer (1), the same clarification of Notification dated 05.12.2014 is prayed to be declared unlawful.

To avoid multiplicity of litigation and to save the Court's time, the Judgment passed in the identical matter led by Suit No.41/2015 is carried over in the present case as well as in the case of Suits bearing No. 1255 of 2016, 1034 of 2016 and 1086 of 2016. I, therefore, order that these suits also be decreed in terms of the judgment dated 15.07.2016 passed in Suit No.41/2015 and whereby it was held that the impugned Notification dated 05.12.2014 is not sustainable.

Judge

Manzoor