

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Misc. Appeal No.14 of 2010

Date

Order with signature of Judge

Present:

Mr. Justice Muhammad Ali Mazhar

M/s. EFU General Insurance Ltd.....Appellant

Vs.

M/s. Hanif Sattar Plastic & others.....Respondents

Disposed off case.

For hearing of Rev. Application No.01/2011

19.12.2016

Mr. Tanveer Ashraf, Advocate for Appellant.

Mr. M. Salim Thepdawala, Advocate for Respondent No.1.

MUHAMMAD ALI MAZHAR, J: This Misc. Appeal was disposed of vide order dated 10.01.2011 and the Senior Member of the Bench was hon'ble Mr. Justice Athar Saeed (as he then was). In the concluding paragraph of our order, we had already directed the learned Insurance Tribunal to take up the preliminary issue first and decide the same within a period of sixty days, but both the learned counsel submit that the matter is pending before the Insurance Tribunal without any progress. The crux of the arguments of the learned counsel for the EFU General Insurance Ltd. are that under Section 162 of the Insurance Ordinance, 2000 previous sanction of commission is necessary before institution of the proceedings; while the learned counsel for the respondent No.1 argued that the Part XIX of the Insurance Ordinance starts from Section 156 only which is relevant to the offences and penalties and it was not necessary to apply for the previous sanction before instituting the civil suit. In our order dated 10.01.2011 we had already decided that let a

preliminary issue regarding the maintainability of the suit be framed and this was the reason that directions were issued to the learned Insurance Tribunal to decide the preliminary issue first but nothing has been done so far, while both the learned counsel further informed me that the preliminary issue has already been framed but due to pendency of this review application the matter is lingering on. Since the preliminary issue has been framed, therefore, by consent this review application is disposed of with the directions to the learned Tribunal to decide the preliminary issue first after providing ample opportunity of hearing to the counsel for the appellant and the respondents and in case the suit is found maintainable, then proceed further on merits.

Judge

Asif