ORDER SHEET HIGH COURT OF SINDH AT KARACHI

Adm. Appeal No.04 of 2006

Date Order with Signature(s) of Judge(s)

<u>Present</u> Mr. Justice Muhammad Ali Mazhar Mr. Justice Abdul Maalik Gaddi

M/s. Pacific Maritime (Pvt.) Ltd. Petitioner

VERSUS

M.T. "Pacific Ace" & others Respondents

<u>22.02.2017</u>

Ms. Umaimah Khan, advocate for the appellant Dr. Adeel Abid, advocate for respondent No.1

Muhammad Ali Mazhar-J. Present appeal has been preferred against the Order dated 12.10.2006 passed by the learned Single Judge in Admiralty Suit No.16/2006, when after hearing the parties, CMA No.799/2006 filed under Rule 731 of the Sindh Chief Court Rules (OS) was dismissed with the observation that defendant/ respondent No.3 was not beneficial owner either of three vessels and each vessel has different registered owner and not sister ships. Therefore, the suit was not found maintainable under the admiralty jurisdiction of this court and it was directed to be renumbered as ordinary suit.

2. This appeal is pending against this order since 2006. However, when this case was fixed before us on 31.01.2017, learned counsel for the appellant requested for short time to seek instructions from the appellant, on her request, the matter was adjourned. Thereafter, it was fixed on 09.02.2017, when the learned counsel informed us that

a letter has been written to the appellant for seeking some necessary instructions, on her request again the matter was adjourned. But today, learned counsel for the appellant submits that despite writing letters, no reply was received nor she could establish any communication with the appellant's management, therefore, she pleads no instructions. It is also an admitted fact that the suit is pending in trial court.

In view of the above, this appeal is dismissed.

Judge

asim/pa

Judge