

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Adm. Suit No.04 of 2017

Date	Order with signature of Judge
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For orders on CMA No.98/2017

27.11.2017

Mr. Omair Nisar Khan, Advocate for Plaintiffs
a/w Mr. Muhammad Arif Shaikh & Mr. Imran Farooq
(Partners of Plaintiff No.1) (Mr. Imran Farooq,
Proprietor of Plaintiff No.2).

M/s. Shaiq Usmani & Manzar Bashir Memon,
Advocates for the Defendant Nos.1 to 3.

Mr. Adnan Ali, Advocate for the Defendant No.4
a/w Mr. Asad A. Siddiqui, Vice President and

Mr. Ghulam Sarwar, General Counsel a/w
Mr. Sanay Shams, Legal Counsel of Defendant No.4.

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This suit has been filed under Section 3 (2) of the Admiralty Jurisdiction of High Courts Ordinance, 1980 in which the plaintiffs have prayed that the defendants are jointly and severally liable to clear and pay the outstanding claim of the plaintiffs amounting to USD 2,130,650/- as mentioned in paragraph 2 of the plaint. In addition thereto the plaintiffs have also prayed for interest for notice period, damages and legal fee etc.

The plaintiff No.1 is a partnership firm and its both partners are present in court, whereas Mr. Imran Farooq (proprietor) of plaintiff No.2 is also present. Learned counsel for the plaintiff No.1 in support of the compromise

application filed two affidavits in which both the partners have confirmed that the matter has been resolved amicably and their affidavits are duly verified by ISMS Department of this court. These affidavits are taken on record. The defendant Nos.1 and 2 are vessels and defendant No.3 is the owner of defendant Nos.1 and 2. Mr. Abdalla Mohamed Sharif Zaman, owner of Global Marine Services has issued power of attorney in the name of Muhammad Ali son of Muhammad Ismail (late) which is attached with the vakalatnama of M/s. Usmani & Iqbal Advocates, whereas the counsel for the defendant No.4 has filed a statement alongwith the copy of board resolution passed by the board of directors of the defendant No.2 wherein they have authorized Mr. Asad Azhar Siddiqui and Mr. Ghulam Sarwar individually and or jointly and conferred various powers including the compromise. The statement alongwith the board resolution is taken on record. Mr. Asad Azhar Siddiqui and Mr. Ghulam Sarwar both are present in court, however, on behalf of the defendant No.4 Mr. Asad Azhar Siddiqui has signed the compromise application. The parties have settled their disputes amicably and also jot down various terms and conditions in the compromise application. They also signed the compromise application

with their counsel. They also made a request that on the basis of compromise the defendant Nos.1 and 2 vessel may be released forthwith and necessary directions may be issued to the Port authorities. However, in prayer III some directions have been sought for the Nazir of this court to render all necessary assistance to defendant No.4 for obtaining necessary approvals from State Bank of Pakistan and or other authorities for remittance of funds to defendant No.3 as per schedule laid down in para 5 of the compromise application. In this regard it is clarified that for transfer of foreign exchange in pursuance of this compromise the parties may directly approach to the concerned authorities and Nazir shall have no role to play. The parties may approach the concerned authorities in accordance with the rules and regulations and transfer of foreign exchange, if any, shall be subject to the NOC of the State Bank of Pakistan and other relevant regulatory authorities. The compromise is recorded and the suit is decreed with the modification made in this order passed on compromise application in respect of prayer clause III of the application. The arrest order is vacated and the Port authorities may allow the vessel to sail subject to the clearance of their dues, if any. Pending application is also disposed of.

Judge

Asif