

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No.1445 of 2004

Date	Order with signature of Judge
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For Evidence

20.04.2018

Barrister Awais Z. Sarki, advocate for Plaintiff.
Mr. Sharafuddin Mangi, advocate for the defendant.

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Learned counsel for the plaintiff has sought time on the last date of hearing to appraise this Court whether evidence is required in this case or not. Today case is fixed for evidence and on 11.12.2006 following issues were framed by this Court.

1. Whether the provisions of the Sugar Factories Control Act, including but not limited, the proviso to Section 8 and Section 16 of the said Act are void ab initio and of no legal effect?
2. Whether the notifications, orders and directives purported to be issued by the Government and/or the Cane Commissioner in terms of the provisions of the SFC Act (Including, but not limited to the notifications, orders and directives dated 11.9.2004, 25.9.2004, 06.10.2004 and 27.09.2004) are void, invalid and of no legal effect?
3. Whether the Sugar Factories Control Board constituted vide notification dated 25.9.2003 lapsed with the conclusion of the crushing season 2003/2004 and that the purported meeting of the said Board summoned by directive dated 11.9.2004 and purportedly held on 16.9.2004 are void, invalid and of no legal effect?
4. Whether the minimum price of sugarcane purported to be recommended and fixed by the Price Commissioner of the defendants is illegal and void?
5. Whether the defendants jointly or severally are liable to refund/pay to the plaintiff, the amount of quality premium as may have been paid by the plaintiff-Company pursuant to any notification issued under Section 16, clause (v) along with payment of markup/profit at the rate of 18% per annum till date or refund?
6. What should the decree be?

Learned counsel for the plaintiff states at the bar that by efflux of time issues No.1 to 4 have become infructuous. However, issue No.5, he

says this issue has already been decided by the Hon'ble Supreme Court by order dated **5.3.2008** in Civil Appeal No.1334 to 344 of 2004 and therefore, in view of the above judgment the whole suit has become infructuous. It is declared that suit is dismissed as having become infructuous.

JUDGE

SM