

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
SUIT No. 518 / 2020

DATE

ORDER WITH SIGNATURE OF JUDGE

For hearing of CMA No. 4300/2020.

23.04.2020.

Mr. Abdul Ghaffar Khan Advocate for Plaintiffs.
Mr. Abdul Latif Chandio Advocate for Defendants No. 1 & 2.
Mr. Imran Iqbal Khan Advocate for Defendant No. 3.

Pursuant to issuance of notice, Vakalatnama of Mr. Abdul Latif Chandio has been filed on behalf of Defendants No.1 & 2, whereas, Mr. Imran Iqbal Khan undertakes to file Vakalatnama on behalf of Defendant No. 3. They both request for time to file counter affidavit; however, Counsel for Plaintiffs pleads urgency on the ground that consignments covered by this Suit are withheld for want of issuance of delivery orders by Defendants No.1 & 2 on the ground that freight charges of the Bills of Lading in question have not been paid. He submits that the Bills of Lading issued to the Plaintiffs have an endorsement that freight stands prepaid; however, without prejudice, the Plaintiffs, to seek clearance of consignment and to avoid delay and accrual of demurrage and other charges on recurring basis, are willing to deposit / secure the amount involved in this Suit with the Nazir of this Court. Though Counsel for Defendants No.1 & 2 has opposed such proposal; however, I am of the view that in the given situation due to pandemic (COVID-19), as an interim arrangement and without prejudice to the rights of the parties the proposal seems to be fair and in line with requirements of an ad-interim order.

Accordingly, the Plaintiffs are directed to deposit / secure the disputed amount of freight (US\$ 39,935/-) in respect of the containers arrived at port and lying withheld for clearance as per Annexure "A" with the Nazir of this Court. Once it is done, Nazir to issue an appropriate certificate to that effect and on presentation of the same the Defendants No.1 & 2 shall issue appropriate delivery order(s).

Counter Affidavits be filed before the next date with advance copies to the Plaintiffs' Counsel. To come up on 14.05.2020.

J U D G E

Arshad/