

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

HCA Nos. 203, 204 & 205 of 2020

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Arshad Hussain Khan.

HCA No. 203 of 2020

Master Road Corporation (SMC-PVT.) Limited.....Appellant

Versus

Master Motors Corporation (Pvt) Limited,

& othersRespondents

HCA No. 204 of 2020

Master Road Corporation (SMC-PVT.) Limited.....Appellant

Versus

Master Motors Corporation (Pvt) Limited,

& othersRespondents

&

HCA No. 205 of 2020

Master Road Corporation (SMC-PVT.) Limited.....Appellant

Versus

Master Motors Corporation (Pvt) Limited,

& othersRespondents

Date of hearing 21.12.2020

Mr. M. Nadeem Qureshi advocate for the appellants.

Mirza Mehmood Baig advocate for the respondent No.1

Mr. Hakim Ali advocate for the respondent No.2.

Mr. Hasnain Ali advocate holding brief for Dr. Shahnawaz
advocate

Muhammad Ali Mazhar, J: The aforesaid appeals have been preferred against the consolidated order passed by the learned Single Judge on 22.09.2020 in civil suit Nos. 596 of 2019, 880 of 2019 and J.M. No.28 of 2019. Through this common order various civil miscellaneous applications filed vice versa were decided in the aforesaid proceedings by the learned Single Judge. On 18.12.2020 learned counsel for the appellant filed miscellaneous application in these High Court Appeals for the release of subject consignment after removal of objectionable marks and in the same line Mirza Mehmood Baig learned counsel for respondent No.1 in all appeals also filed a draft statement. The matter was adjourned to consider the application moved by the appellants and the statement filed by the counsel for the respondent No.1. Today, Mr. Nadeem Qureshi learned counsel for the appellant filed statement/undertaking dated 21.12.2020 duly signed by Shaikh Javed Iqbal, Chief Executive of Master Road Corporation (SMC-Pvt) Ltd. which is reproduced as under:-

“STATEMENT/UNDERTAKING

That the Applicant respectfully undertakes to the effect that, after removal of objectionable mark “ROAD MASTER” from the subject imported consignments detained by the respondent No.2, 3 and 4 upon the complaint filed by the Respondent No.1 dated 28-03-2019 and in pursuant to the order of this Honorable Court in suit No.596 of 2019 dated 19-08-2020 this Honorable Court may please to pass an order this impugned consignments and save the Applicant from the irreparable losses of heavy detention and demurrage cost, as accumulating day by day, in this regard statement submitted by the respondent No.2 (evidence privy to it).

Subject statement is filed in the interest of justice and equity.

Sd/-
Sheikh Javed Iqbal
(Chief Executive)”

2. The learned counsel for the appellants and respondent No.1 argued that the matter pending before learned Single Judge may be decided on its own merits. So far as the detention of busses by the Custom Authorities on the complaint of respondent No.1 is concerned, a clear statement/undertaking has been filed that the appellants will remove the alleged infringed mark “Road Master” from all the busses in the presence of representative of the Custom Authorities as well as representative of the respondent No.1. At this juncture, learned counsel for the respondent No.1 has shown apprehension that may be after removing the infringed mark, the appellant will again use the same after release of busses from the custom authorities on which learned counsel for the appellant submits that the alleged infringed word “Road Master” will not be used by the appellant till decision of matters on merits by the learned Single Judge in the above suits and J.M. In view of the above, the appeals are disposed of accordingly along with pending applications.

Office is directed to place copy of this order in HCAs listed above.

JUDGE

JUDGE