

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
ADM. SUIT NO. 09 / 2018

DATE

ORDER WITH SIGNATURE OF JUDGE

- 1) For orders on CMA No. 85/2018.
- 2) For orders on CMA No. 86/2018.

30.05.2018.

Mr. Ibbad Mazhar Lari Advocate for Plaintiff.

- 1) Granted.
- 2) This is a Suit for recovery of US \$ 1,07,622.00 under the Admiralty jurisdiction of this Court under the Ordinance, 1980. Learned Counsel submits that the consignment of 48,500 Metric Tons of Diammonium Phosphate in all was imported under 5 different Bills of Lading from China on Vessel "M.V. NAVIOS VENUS" (Defendant No. 1). According to the learned Counsel, the cargo which has been discharged as per KPT weighbridge is 48,396.04 Metric Tons which also includes weight of bags which is 123.74 Metric Tons hence, there is a net shortage of 227.70 Metric Tons. Learned Counsel also referred to a Weighment Certificate available at Page 55 onwards and so also the initial draft survey of the Vessel and the final report wherein, except the surveys of the owner of Vessel have disagreed but others have reported shortage as claimed by the Plaintiff. Learned Counsel has also referred to a daily discharge report of the stevedores available at Page 65 which also reflects that the shortage of 227.70 Metric Tons. Learned Counsel submits that the Vessel i.e. Defendant No. 1 is still anchored at the very Port whereas, the claim of the Plaintiff is maintainable under Section 3(2)(g) of the 1980 Ordinance as loss of weight has occurred due to conduct of the Vessel.

Let notice be issued to the Defendants for 12.06.2018 through Master of the Vessel "M.V. NAVIOS VENUS". Till the next date of hearing, the Defendant Vessel is ordered to be arrested and shift the same at the outer anchorage of the Port till further orders and the port authorities shall not allow this Vessel to sail without the permission of this Court. However, this order of arrest is subject to the Defendant's furnishing security in the sum of Pak Rupees equivalent to US \$ 1,07,622.00 to the satisfaction of the Nazir of this Court. If subject security is furnished, Nazir may certify the furnishing thereof and on such certificate being produced the Defendant Vessel may be allowed to sail.

J U D G E

ARSHAD/