

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Admiralty Suit No.07 of 2019

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For Orders on CMA No.97/2019. (U/A)
2. For Orders on CMA No.98/2019.)
3. For Orders on CMA No.99/2019.

16.10.2019

Mr. Mazhar Imtiaz Lari, Advocate for Plaintiff.

1. Granted.
2. This is a Suit for Recovery of US \$ 1,14,125.00 under the Admiralty Jurisdiction of the High Court Ordinance, 1980. Learned Counsel for the Plaintiff submits that Plaintiff has imported a cargo of 22,000 M. Tons of Di-Ammonium Phosphate (DAP) which has arrived at Karachi Port on Vessel M.V. "**CLIPPER ENDEAVOUR**" (Defendant No.1). Per learned Counsel the present Suit is in respect of the cargo which has been short landed and in support he has referred to the Survey Report available at Page 89. He submits that the vessel had some other cargo as well, and the total shortage as per Survey Report is 391.5 M. Tons, out of which, the cargo of the plaintiff which has short landed is 279.50 M. Tons. He has also referred to the KPT weighment certificate(s) and submits that according to the weighment certificate(s) issued by the KPT, the total shortage is 256.80 M. Tons, and after including the weight of the bags, the total shortage is 279.50 M. Tons. He further submits that though there were two Draught Survey Reports prior to discharge of cargo, both reporting excess quantity; however, according to him, this apparently is not correct as no shipper / consignor would ship excess quantity / cargo. He further submits that the Vessel i.e. Defendant No.1 is still berthed at Karachi Port, and therefore some interim orders for arrest of the Vessel may be passed. He lastly submits there was some defective /

damaged cargo on board as well; however, the plaintiff, after intimation to the defendant has not taken any delivery of the said cargo and has filed a separate application for appointment of Nazir to inspect and take over the said cargo.

Let notice be issued to the Defendants for **23.10.2019** through Master of Vessel **M.V. "CLIPPER ENDEAVOUR"**. Till the next date of hearing, Defendant No.1 Vessel is ordered to be arrested and the port authorities shall not allow this Vessel to sail without the permission of this Court. However, if Defendant's furnish security equivalent to US \$ 1,14,125.00 to the satisfaction of the Nazir of this Court, Nazir may certify the furnishing thereof and on such certificate being produced Defendant No.1 Vessel may be allowed to sail and leave jurisdiction of this Court.

3. Notice as above.

J U D G E

Qurban/PA*