

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
ADM SUIT No. 11 / 2018

DATE

ORDER WITH SIGNATURE OF JUDGE

- 1) For hearing of CMA No. 96/2018.
- 2) For hearing of CMA No. 98/2018.
- 3) For orders on CMA No. 106/2018.
- 4) For orders on Nazir report dated 12.9.2018.

09.10.2018.

Mr. Syed Safdar Ali Advocate for Plaintiff.
Mr. Ijaz Ahmed Zahid Advocate for Defendant No. 2.
Mr. Omair Nisar Advocate for Defendant No. 4.
Mr. Abubakar Khalil along with
Ms. Nancy Deen Advocates for Defendant No. 6.

Counsel for the Plaintiff has filed his objections to the Nazir report and Counter Affidavit to the application filed by Defendant No.4 and has supplied copies of the same to the Defendants Counsel, and they due to urgency in the matter have shown their keenness to proceed with the matter despite supply of copies in Court, as interim orders are operating.

Counsel for the plaintiff submits that this matter cannot proceed till such time the survey and test is carried out as pleaded; and while confronted that this is to be seen by the Court and he must proceed, he has come up with another excuse and submits that he needs time to obtain certified copies of certain orders passed in this matter, therefore, he is unable to proceed today. Counsel was time and again put to notice and cautioned to proceed with the matter, failing which the ad-interim orders, whereby, Vessel has been arrested will be recalled; however, he has shown reluctance to proceed today.

Such conduct cannot be appreciated. Through ad-interim order dated Defendant No.5 has been directed not to allow the Vessel in question to leave the territorial waters of Pakistan. This order itself is of a nature wherein no adjournment ordinarily ought to have been granted. Secondly, even otherwise, all matters wherein stay is operating are to be decided within 30 days' time as per directions of the Hon'ble Chief Justice. Lastly, the Counsel who has obtained an interim order of the nature as above, must always be ready and willing to proceed with the matter, and the excuse regarding non-availability of certified copies of orders of this Court is nothing but a lame excuse to delay the matter and enjoy the benefit of the interim order. This even otherwise has been raised after the Defendants Counsel had shown their willingness to proceed.

In view of such position, since the Counsel has failed to proceed despite being put to notice, this Court is left with no other option, rather has been compelled to recall the interim order. Accordingly order passed on 28.06.2018 whereby Defendant No.5 was directed not to allow the Vessel in question to leave the territorial waters of Pakistan is hereby recalled.

Adjourned to a date in office.

J U D G E

ARSHAD/