

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P. No.D-6298 of 2020

Date	Order with signature of Judge
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Before:-

Mr.Justice Muhammad Ali Mazhar

Mr.Justice Amjad Ali Sahito

Wali Ahmed Qureshi KhonbatiPetitioner

V/s

Government of Sindh

& others....Respondents

07-04-2021

Mr.Ahmed Nawaz, Advocate for the Petitioner.

Ms.Leela @ Kalpana Devi, Additional Advocate General.

Agha Abid Hussain, Chief Municipal Officer, Municipal Committee Thatta is present.

Muhammad Ali Mazhar, J: The case of the petitioner is that he is the owner of M/s.Shah Murad Filling Station Thatta. He submitted bills to the respondent No.4 for the supply of POL and the respondent No.4 issued a cheque on 10.07.2018 amounting to Rs.16,32,499/-,which was bounced in July, 2018. Photocopy of cheque is available at page-13 of the court file, which is in the name of M/s.Shah Murad Filling Station Thatta, whereas the Bank Slip is available at page-15 of the court file.

2. Learned counsel for the petitioner pointed out page-29 which is a letter issued by Section Officer-III, Local Government Department, Government of Sindh to the Administrator/Assistant Commissioner-I, Municipal Committee Thatta in which also complaint of the petitioner has been referred to and request was made by the Section Officer to the

Administrator to make payment of POL to M/s.Shah Murad Filling Station Thatta immediately as per rules. Learned counsel for the petitioner argued that they requested pillar to post, but no payment has been made. He further argued that the petitioner could have lodged FIR under Section 489-F PPC, but he has shown restraint only with the hope that concerned department will make payment, therefore, he did not want to drag them in criminal proceedings.

3. Agha Abid Hussain, Chief Municipal Officer, Municipal Committee Thatta is present. In the first round he sought time to seek instructions from the Administrator and on his request we kept aside the matter. In the second round he came up with a suggestion that the Administrator is willing to make payment of POL amount in installment of Rs.100,000/- per month. We are not satisfied with this suggestion of payment to a person who is waiting for his dues for a long time, however, in the interest of justice, the payment should be in equal instalments of Rs.200,000/- per month till such time the liability mentioned in the dishonoured cheque is discharged, as it is an admitted liability on account of dishonouring of cheque issued by Administrator, Municipal Committee Thatta. The petition is disposed of accordingly.

Office is directed to transmit copy of this order to Secretary, Local Government Department, Government of Sindh, Deputy Commissioner, Thatta as well as Administrator Municipal Committee Thatta for compliance.

Judge

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Judge