

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-6764 of 2020

| Date | Order with signature of Judge |
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Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Amjad Ali Sahito.

M/s. WELL COME PAKISTAN PVT. LTD.....Petitioner

Versus

Drug Regulatory Authority of Pakistan,

& others..... Respondents

Date of hearing 08.04.2021

Mr. Patras Piyara advocate for the petitioner.

Mr. Shahab Imam advocate for the respondent No.4.

Mr. Hussain Bohra, Assistant Attorney General.

Muhammad Ali Mazhar, J: The petitioner has approached this court for the declaration that they are lawful importer of Vivioptal Move cream, Gel Celtrate D-600, Clatrate D-600 Plus Minerals, Tiger Balm, Premarin Tab, Premarin Vaginal Cream, INfacol Drops and suspension, Deep Heat Cream. Learned counsel for the petitioner argued that the petitioner is entitled to import the aforesaid products lawfully under some authority and agreement with the foreign principal but some unknown persons are also importing the same products unlawfully and marketing the same in Pakistan and despite lodging some complaints to the competent authority, no action has been taken so far.

2. Learned counsel for the respondent No.4 has filed comments and he further argued that if the petitioner has

any issue he has to approach Directorate General of Intellectual Property Rights, Pakistan Customs where aforesaid controversies and disputes should be raised and on filing such application the same will be considered in accordance with law but before approaching competent authority, the writ is not maintainable wherein various factual disputes have been raised.

3. After arguing at some length, learned counsel for the petitioner agrees that proper application will be moved to the Directorate of Intellectual Property Rights, Pakistan Customs. The petition is disposed of accordingly. If any such application is filed the same shall be decided by the Directorate of Intellectual Property Rights, Pakistan Customs within forty five (45) days after providing ample opportunity of hearing to the petitioner.

4. Copy of this order be transmitted to the learned counsel for the respondent No.4 for compliance.

JUDGE

JUDGE