

**IN THE HIGH COURT OF SINDH,
AT KARACHI**

C. P. No. D-7181 of 2021

Present:

Ahmed Ali M. Shaikh, CJ
and Yousuf Ali Sayeed, J

Petitioner : Shirazi Trading Company (Ltd)
Limited through Muhammad
Bin Mohsin, Advocate.

Respondents : Nemo.

Date of hearing : 16.12.2021.

ORDER

YOUSUF ALI SAYEED, J. - The Petitioner is apparently a Trading Company, and claims to have provided certain medical equipment to the National Institute of Cardiovascular Diseases (Respondent No.1), in pursuance of an open tender, with it being said that notwithstanding delivery of the equipment, the payment due to the Petitioner remains outstanding. It is said that non-payment is due to non-provision of the necessary funds by the Provincial Government, and in that backdrop the Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution so as to seek release of such funds in favour of the Respondent No.1, with it being prayed that the Respondents be directed to release the same so as to enable the Respondent No.1 to discharge the liabilities of the Petitioner.

2. Having considered the matter, we are of the view that the Petition is not maintainable as framed. The nexus between the Petitioner and the Respondent No.1 is contractual and if there is any breach of obligation arising under such contract, the Petitioner may pursue its claim through appropriate civil proceedings before a Competent Forum. However, the Petitioner cannot come forward so as to advance a claim on behalf of the Respondent No.1 in an endeavour to secure release of funds in favour of the party on the pretext that its onward payment is predicated on such release.

3. In view of the foregoing, the case of the Petitioner appears to be misconceived and devoid of force. Hence while granting the request for urgency, we dismiss the Petition *in limine* along with other pending miscellaneous applications.

JUDGE

CHIEF JUSTICE

Karachi.
Dated: