

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.1137 of 2015

DATE

ORDER WITH SIGNATURE OF JUDGE

For hearing of CMA No.9877/15 (U/O 39 Rule 1 & 2 CPC)

14.03.2016.

Mr. Khalid Javed Khan, Advocate for the plaintiff.
None for the Federation nor for any of the defendants nor any
intimation received.

Counsel for the plaintiff submits that in this matter two separate Appeals filed by the plaintiff were pending before the Commissioner (Appeals) / Appellate Tribunal Inland Revenue, and during pendency of such Appeals, coercive measures were initiated by the defendant and therefore instant Suit was filed and interim orders were passed. He submits that in similar situation several suits have been disposed of by this Court by directing the Appellate authorities to decide the pending appeal(s) within a period of 60 days and till then the defendants have been restrained from taking any coercive measures. He has made reference of Order dated 29.02.2016 passed in Suit No.1585/2015.

Accordingly, in view of hereinabove and previous orders passed by this Court in similar circumstances, and whereas, no assistance has been provided on behalf of defendants despite being served, Suit is disposed of by directing the Commissioner Appeals / Appellate Tribunal, Inland Revenue, to decide the pending Appeal filed by the plaintiff arising out Order(s) dated 18.02.2015 and 28.04.2015 respectively, preferably within a period of 60 days from today and till then the defendant/department shall not take any coercive measures against the plaintiff for recovery of the impugned demand(s).

Suit stands disposed of in the above terms alongwith all pending applications.

J U D G E

Ayaz