

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
SUIT NO. 1742 of 2018

DATE

ORDER WITH SIGNATURE OF JUDGE

- 1) For orders on CMA No. 12964/18 (if granted)
- 2) For orders on CMA No. 12965/18 (U/O 39 Rule 1 & 2 CPC)

14.09.2018

Mr. Khalid Mahmood Siddiqui, Advocate for Plaintiff.

- 1) Granted.
- 2) This is a Suit for Declaration, Recovery, Damages and Injunction. Learned Counsel for the Plaintiff submits that the Plaintiff Company was incorporated on 25.08.2014, wherein, Defendant No.1 was taken as a Director (having 35% share) to manage and look after the affairs of the Company, which is in majority held by the present Directors, who have come before this Court through a proper Resolution. Learned Counsel submits that the majority shareholders are also directors of a Company in Saudi Arabia namely **AJEC Saudia**. Learned Counsel further submits that Defendant No.1, then engaged his brother/Defendant No.2 in employment, whereas, he is not a qualified person to act as Manager Operations of the Plaintiff Company. According to the learned Counsel the sponsor Directors remitted a total amount of US \$ 678,043.12 in the Company Account in Pakistan from Saudi Arabia, whereas, the Defendants failed to provide any accounts and details regarding management of the Company. The accounts, if any, which they provided were not in accordance with accounting standards and as per Plaintiff's version the amount remitted has been misappropriated. Per learned Counsel due to such conduct of defendants the business operation was seized / stopped by the Majority Directors on 31.07.2017, whereas, the Defendant No.2

despite being out of employment is still making representation on behalf of the Plaintiff Company to various clients in Saudi Arabia, claiming to be owner of certain drawings / designs of the Plaintiff company which were never created by him; hence he is seriously damaging the reputation of the Plaintiff Company and AJEC Saudia. He further submits that the defendants in order to black mail AJEC Saudia have illegally obtained addresses of their clients and have been sending false and baseless emails to cause harassment and defamation. Learned Counsel has referred to such correspondence available at page 187 onwards. He further submits that not only this, the Defendant No.2 is still making representation to receive money on behalf of the Plaintiff Company for which he has no lawful authority. Learned Counsel for the Plaintiff prays for some interim relief.

Let notice be issued to the Defendants No.2 on the given address, whereas, the Plaintiff's Counsel shall file a Statement with a fresh address of Defendant No.1 for **12.10.2018**. Till the next date of hearing, the Defendants are restrained from acting or initiating any communication on behalf of the Plaintiff Company and AJEC Saudia with third parties or authorities.

J U D G E

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