

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 2150 of 2018

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For Orders on CMA No.16382/18 (if granted)
2. For Orders on CMA No.16383/18 (U/O 39 Rule 1 & 2 CPC)

16.11.2018.

M/s. Qazi Umair Ali & Syed Mohsin Ali, Advocate for Plaintiff.

1. Granted.
2. This is a Suit for Declaration and Injunction. Learned Counsel for the Plaintiff submits that Plaintiff is an Industry engaged in manufacturing plastic and for that purposes Defendant No.2 through Email dated 14.02.2018 offered 300 M. tons of **PVC Resin Grade OXYVINYLS 225P** and issued a Proforma Invoice of Defendant No.1 dated 17.04.2018 for US \$98,820/-. Learned Counsel submits that pursuant to the Proforma Invoice, Letter of Credit was established on 19.04.2018 and goods were shipped through Bill of Lading dated 26.06.2018 and Commercial Invoice dated 14.06.2018. He submits that thereafter Goods Declaration was filed, and consignment has been cleared by the Plaintiff; whereas, the terms for payment were within 180 days from the date of Bill of Lading. He further submits that upon inspection of the goods, it transpired that instead of **PVC Resin Grade OXYVINYLS 225P** an ordinary product of PVC Resin has been shipped, which is not in accordance with the Contract and import documents. He has referred to photographs at page 49 in support thereof. He further submits that a legal notice has been issued, whereas, payment is now due, and at any moment of time, Defendant No.3 would release the same in the favour of Defendant No.1. He prays for restraining orders otherwise the Suit of the Plaintiff would become infructuous.

Let notice be issued to Defendant No.1 through Courier, whereas, against Defendants No.2 & 3 through first three modes for **30.11.2018**. In the meantime Defendant No.3 shall not release the amount covered by Letter of Credit in question in favour of Defendant No.1; but shall honour the L.C and deposit the amount with the Nazir of this Court, who is thereafter directed to invest the same in any government profit bearing instrument.

J U D G E

Ayaz P.S.