

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No. D-5740 of 2020

DATE

ORDER WITH SIGNATURE OF JUDGE

Priority

1. For orders on office objection No. 12 & 18.
2. For hearing of Main Case.

22.02.2021.

Mr. Muhammad Abbas, Advocate for Petitioner.
Mr. Muhammad Bilal Bhatti, advocate for respondents.
Mr. Kafeel Ahmed Abbasi, DAG.

This petition has been filed by one of the partners of Ms/ NOA Hemis Pharmaceuticals, purportedly a partnership concern, challenging the action of the respondents, whereby, some objections have been raised in respect of filing of Goods Declaration in absence of Electronic Import Form (EIF), claiming that the case in hand is of exceptional circumstances falling within Para (xx) of F.E. Circular No5 issued by State Bank of Pakistan. Though notice has been issued; however, perusal of the record reflects that there is some dispute between two partners of the Company in question and in that respect Civil Suit No. 163/2020 is already pending before this Court, wherein, the Banks are also proforma defendants. In this matter, Counsel for the Petitioner has relied upon some Bank Contract and has argued that Customs be directed to consider the petitioners request and filing of Goods Declaration be allowed without production of EIF. We may also observe that the said Bank is also not party in this petition.

After having gone through the record, we are of the considered view that until the dispute between partners is settled, this Petition cannot be entertained, as claim of ownership of the goods in question would still remain in dispute, and no useful purpose would be served. Accordingly, this Petition, being premature, is hereby dismissed, whereas, Petitioner may approach the appropriate Court, wherein, the dispute between partners is pending and the application, if any, shall be dealt with in accordance with law.

Judge

Judge