

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C. P. NO. D-3162 / 2015

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Date	Order with signature of Judge
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- 1) For orders on office objection No. 1.
- 2) For katcha peshi.
- 3) For hearing of Misc. No. 14334/2015.

10.6.2015.

Ms. Dilkhurram Shaheen Advocate for petitioner.  
Mr. Kashif Nazeer Advocate for respondent.  
Mr. Ilyas Ahsan Appraising Officer Legal.

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Pursuant to issuance of notices Mr. Kashif Nazeer Advocate has shown appearance on behalf of the respondents along with Mr. Ilyas Ahsan, Appraising Officer, (Legal), and submits that instant petition is misconceived and by concealing material facts Ex-parte interim orders have also been obtained. Counsel submits that earlier, the petitioner on registration of FIR and detention of goods had filed a petition bearing C.P. No.D-3404/2014 wherein, vide order dated 19.8.2014, the petitioner's consignment was allowed to be released, as an interim measure, pending adjudication of the case, by deposit of the disputed amount of duty and taxes before the Nazir of this Court. He has placed on record copy of certificate issued by the Nazir of this Court, whereby the differential amount was deposited by the petitioner, on the basis of which the consignment in question was released. Counsel further submits that thereafter, an Order in Original dated 22.1.2015 has been passed against the petitioner, which has been further impugned by the petitioner by filing an appeal before the Customs Appellate Tribunal, at Karachi, on 28.1.2015, which is still pending, whereas the petitioner has filed a separate / independent petition against recovery proceedings in respect of the adjudged amount, and has obtained Ex-parte restraining orders.

On such facts being brought to our notice, we have summoned the file of C.P. No. D-3404/2014 and on perusal of the same, it appears that the contention of the Counsel for the respondents is correct, whereas, the petitioner has not disclosed such facts in the Memo of instant Petition, nor the same were brought to our notice while passing

restraining orders on 4.6.2015. Counsel for the petitioner, while confronted with such factual position, could not controvert the same and pleads no instructions and admitted that such facts were not brought to her knowledge by the petitioner.

In view of such position we are of the view that instant petition besides being misconceived, has been filed without disclosing entire facts, therefore, the same is accordingly dismissed with cost of Rs. 5000/- to be deposited in the High Court Bar Library Fund within a week's time from today. However, this shall not preclude the petitioner / respondents to file appropriate applications in the earlier petition for any restraining orders/ release of the amount deposited, pursuant to interim orders passed by this Court.

JUDGE

JUDGE

ARSHAD/