

IN THE HIGH COURT OF SINDH,

CIRCUIT COURT, HYDERABAD

1st Appeal No. 36 of 2000

[Pakistan Mineral Development Corporation v. Muhammad Saghir]

Mr. Abdul Majeed Khan advocate for appellant
Applicant / Surety present in person

Date of hearing & Order : **23.09.2022**

ORDER

ADNAN-UL-KARIM MEMON, J -. Through listed application [CMA No. 837 of 2020] the applicant/appellant has sought return of bank guarantees deposited by them in compliance with the order dated 14.5.2001 passed by this court.

2. Brief facts of the case are that the respondent/plaintiff filed two suits one bearing No. 58 of 1997 for declaration and permanent injunction while the other bearing Suit No. 63 of 1997 for recovery. Both the suits were decreed. The defendants/appellant being aggrieved by the Judgment of trial court preferred Civil Appeal No. 19 of 2005 which was also dismissed vide Judgment dated 7.10.2008, hence the instant 1st Appeal was filed and this court on 14.5.2001 ordered as follows:-

“ By consent, the listed application is allowed in the following terms:-

Appellant will furnish Bank Guarantee in the sum of Rs.7,14,285/- with the Additional Registrar of this Court within one month of this order.

The appeal be fixed for regular hearing within 6 months.”

3. A perusal of Report of Accountant of this Court reflects that the appellant / PMDC furnished Bank Guarantee for an amount of Rs. 7,14,285/- before this Court on 8.6.2001. Subsequently, because of the amendment brought in Sindh Civil Court Ordinance, 1962 the original case file of 1st Appeal No. 36 of 2000 along with R&Ps of F.C. Suit No. 58 of 1997 was sent to the court of learned District Judge.

4. The listed application for return of Bank Guarantee was filed on 28.1.2020, hence on the administrative side, the learned Senior Sitting Judge passed the order on 19.3.2020 calling the original file of 1st Appeal from the concerned court for passing appropriate order.

5. In view of the above facts and circumstances of the case, there is no resistance from the other side as such the listed application is disposed of in terms of the statement of appellant. The office is directed to look into the matter and if there is no other impediment in releasing the subject bank guarantee deposited in compliance with the orders passed by this court, the same shall be released accordingly upon proper verification and identification as per law.

6. The listed application stands disposed of in the above terms.

JUDGE

Karar_Hussain /PS