

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Admiralty Suits No.13 and 15 of 2022

Date	Order with signature of Judge
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Suit No.13/2022

1. For orders on CMA 220/23
2. For hearing of CMA 3162/22
3. For hearing of CMA 89/23
4. For hearing of CMA 90/23
5. For hearing of CMA 91/23

Suit No.15/2022

1. For hearing of CMA 3265/22

Dated: 26.01.2023

Mr. Mazhar Imtiaz Lari along with Mr. Ishrat Ali for plaintiff in Adm. Suit No.13/2022 and for defendant No.5 in Suit No.15 of 2022.

Mr. Omair Nisar a/w Mr. Muhammad Ali for plaintiff in Adm. Suit No.15 of 2022.

Mr. Aga Zafar Ahmed for defendants No.1 to 4.

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A detailed order was passed on 25.01.2023. The vessel has already secured US \$.1 Million towards losses allegedly sustained by the consignee. Mr. Lari though moved application for the enhancement of their claim however yesterday submitted that in case the claim of terminal operator i.e. plaintiff in connected suit is secured by the vessel, he, for the time being, would not press the application for consequential enhancement of the security, as furnished. I considered the claim of the terminal operator in connected Suit No.15 of 2022 and was of a tentative view that it was to some extent an exaggerated claim and hence I reduced it, after giving reasons, to 50% of the total claim. Mr. Aga requested that he would seek instructions from his client if the bank guarantee could be furnished within a reasonable time and today he gives an undertaking which would serve the purpose to enable the vessel to leave. He gives an undertaking to furnish bank guarantee in

four weeks' time of 50% of this terminal operator's claim. Order accordingly. With this undertaking of Mr. Aga a lien, as claimed by the terminal operator/ plaintiff in connected suit over the cargo retained by it stands released/lifted. However, as long as guarantee in the connected Suit No.15 of 2022 for 50% of terminal operator is not furnished, in terms as stipulated above and in order dated 25.01.2023, the terminal operator may have custody of that cargo only however in case a buyer is proposed and/or comes forward, appropriate application in this regard may be moved by consignee, for consideration. It may be clarified that a maximum of four weeks is given to ship line/vessel to secure 50% of the tentative claim in the connected suit No.15 of 2022 of the terminal operator, as stated above.

Judge