

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
H.C.A. No.302 of 2023

Date

Order with signature of Judge

PRESENT:

Mr. Justice Aqeel Ahmed Abbasi
Mr. Justice Abdul Mobeen Lakho

FRESH CASE:

1. For order on CMA No.3792/2023 (Urgent).
2. For order on office objection a/w reply as at 'A'.
3. For order on CMA No.3654/2023 (Exemption).
4. For hearing of main case.
5. For order on CMA No.3655/2023 (Stay).

Dated; 8th September 2023

Mr. Rehan Kayani alongwith Mr. Sohail Mujtaba Raja,
Advocate for Appellant.

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1. Urgency granted.
2. Learned counsel for the appellant undertakes to comply with office objection before next date of hearing.
3. Exemption granted subject to all just exceptions.

4&5. Through instant High Court Appeal, the order dated 23.08.2023 passed by the learned Single Judge of this Court in Suit No.1378 of 2023, requiring the parties to maintain status quo, has been challenged by the appellant i.e. Kinjo Seafood (Pvt) Limited on the ground that the impugned order has been obtained through concealment of facts, whereas, in view of the status quo order, the appellant's request for renewal/registration of export license has been stopped by the respondent No.4. Learned counsel for the appellant submits that impugned order has been obtained while concealing the execution of partnership deed dated 05.08.2020 between respondent No.5 and Kaneshiro (Pvt) Limited, who have assumed the liability of respondent No.7, therefore, earlier Memorandum of Understanding

(MoU) executed between the respondent No.5 and respondent No.7 stands novated, however, through impugned order, all the parties have been directed to maintain status quo, and in the garb of aforesaid order, respondent No.4 at the behest of respondents No.5&6 has stopped the process of renewal of registration of the export license of the appellant, which is seriously affecting the right and interest of the appellant.

After hearing the learned counsel for the appellant and from perusal of the impugned order passed by the learned Single Judge, it appears that there is no mention of the name of the appellant, nor any restraining order against the appellant appears to have been passed, nor the respondent No.4 has been restrained from considering the request of the appellant for renewal/registration of export license. Moreover, the impugned order has been passed on the first date of hearing while issuing notices to the defendants, whereas, while directing the parties to maintain status quo, the apprehension of the plaintiff against one of the defendants in the suit not to dispossess the plaintiff from subject premises has been addressed till next date of hearing i.e. on 06.09.2023. The appellant, who is party in the suit, can file reply/objection to the injunction application and may seek modification or clarification of such order instead of filing instant High Court Appeal against an ad-interim order. However, since the appellant has alleged that respondent No.4 is, while misinterpreting the impugned order, not processing the request of appellant for renewal/registration of export license in view of the aforesaid status quo order, therefore, we would dispose of instant High Court Appeal alongwith listed applications, however, with clarification that respondent No.4 may consider the request of the appellant for renewal/registration of export license in accordance with law, without

being influenced by the impugned order passed by the learned Single Judge. This is, however, without prejudice to the right, interest or claim of the parties in the subject suit, and subject to any further, final order on the injunction application as may be passed by the learned Single Judge after hearing the parties.

Instant High Court Appeal stands disposed of in the above terms.

J U D G E

J U D G E

Farhan/PS
