

ORDER SHEET
 IN THE HIGH COURT OF SINDH, KARACHI
High Court Appeal No. 100 of 2024
 (Siddiqsons Tin Plate Limited Vs. New Metallurgy Hi-tech Group Co. Ltd.)

Dated	Order with signature of Judge
--------------	--------------------------------------

Present:
 Mr. Justice Muhammad Shafi Siddiqui
Justice Ms. Sana Akram Minhas

Hearing Case (Priority)

1. For orders on CMA No. 622/2024 (Exemption)
2. For hearing of Main Case
3. For hearing of CMA No. 623/2024 (stay)

Dated 21.05.2024

Mr. Muhammad Omer Soomro Advocate for the Appellant

Mr. Umer Akram Chaudhry Advocate for the Respondent

.....

In a suit filed under the Recognition & Enforcement (Arbitration Agreement and Foreign Arbitral Awards) Act, 2011, an application with a comprehensive prayer was filed under Section 94 read with Order XXXIX Rules 1 & 2 C.P.C. and Order XXXVIII Rule 5 C.P.C. The application was heard at length. While deciding the application, the learned Judge has gone through the facts as well as applicable law. In the conclusion, however, entire application was allowed which contain three prayers firstly, under Section 94 C.P.C., the second under Order XXXIX Rules 1 & 2 C.P.C. and the third one being the harshest i.e. attachment. The application was allowed as prayer and now it is inconceivable as to which relief was granted.

2. After detailed deliberation and discussion, since huge amount is likely to be recovered in pursuance of an award, we are of the view that the two properties which were disclosed in the application should remain available for execution of the award, however, not the way it was ordered as we deem it appropriate that the restraining order in respect of two properties should enough to secure the interest of the Respondent. We

therefore, modify the impugned order to the extent that in respect of two immovable properties, disclosed in the application (CMA No. 9890 of 2023), the appellant shall not create any third party interest and is restrained from selling the immovable properties subject to the decision of the arbitral proceedings pending in the shape of appeal at Singapore and a suit for its enforcement where from impugned order has arisen. The order is modified with the clarity that the injunctive order in the above form would continue and the properties are no more attached.

The appeal stands disposed of in above terms along with listed applications.

JUDGE

JUDGE

Amjad PS