

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

Suit 118 of 2015

Date: Order with signature of the Judge

For hearing of CMA No.14641/2022

18.09.2024

Mr. Hassan Khursheed Hashmi, advocate for the plaintiff
Ms. Masooda Siraj, advocate for defendant
Mr. Ali Safdar Debar, Assistant Advocate General

On 25.08.2022, the plaintiff was directed to file affidavit-in-evidence within two weeks. Vide order dated 20.09.2024, the suit was dismissed for non-prosecution on the premise that the previous order had not been complied. The present restoration application demonstrates that on 06.11.2022, the plaintiff had in fact submitted the affidavit-in-evidence before the learned commissioner and the same is corroborated by a TCS courier receipt. The preponderance of compliance could not be displaced by the learned counsel for the defendant, therefore, the application is allowed. Suit is restored.

The present suit assails a show cause notice issued by the customs department. Notwithstanding the reservations of the plaintiff regarding the legality and viability of the said notice, it is jointly submitted by the respective learned counsel that the plaintiff shall respond to the show cause notice and after providing an opportunity of hearing to the plaintiff the defendant shall adjudicate the same expeditiously. Learned counsel for the defendant states that pending adjudication of the show cause notice no further coercive action shall be taken against the plaintiff. In view hereof, it is jointly stated that the suit may be disposed of as aforesaid. Order accordingly.

Judge

Amjad