

**JUDGMENT SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

Date	Order with signature of the Judge
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Present:

**Mr. Justice Muhammad Iqbal Kalhoro.
Mr. Justice Muhammad Osman Ali Hadi .**

Admiralty Appeal No.06 of 2019

Pakistan Maritime Security Agency (PMSA) Appellant.

Vs.

Fareed Ahmed Khan & others Respondents.

06.02.2025.

Mr. Abdul Qadir Khan a/w Syed Noman Zaidi, advocate for Appellant
alongwith Cdr. Jamshed Gull, PN, Legal PMSA.
Mr. Abdul Naeem Memon, Official Assignee.

O R D E R

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MUHAMMAD IQBAL KALHORO J: Appellant is aggrieved by an observation in para 3 of the impugned order dated 29.10.2019 passed by learned Single Judge of this court while dealing with Admiralty Suit No.06/2018, whereby learned single judge has stated that an objection at the eleventh hour by MSA/appellant has resulted in the above inconvenience and costs. Case of the appellant is that inconvenience or costs did not occur due to any action on the part of the appellant and the appellant after receiving a letter dated 26.10.2019 had acted within 48 hours.

2. Be that as it may, we have found that barring passing the said observation/ stricture, no findings has been given by learned Single Judge or penalty imposed on the appellant as a follow-up of the said observation. This appear to be an innocuous observation without any consequences floating against the appellant. Therefore, instead of filing the appeal, we are of the view that appellant should have first filed an application before the same bench for expunging or deleting the same observation and in case of failure to come to this court in appeal.

3. When confronted with the said proposition, learned counsel for appellant has agreed to withdraw this appeal and file an a proper application in above terms before learned single judge for seeking relief as prayed in this appeal.

4. Accordingly, this appeal is disposed of as withdrawn in the above terms alongwith pending application.

The Admiralty Appeal stands disposed of.

JUDGE

JUDGE

A.K