

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP D 6444 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For hearing of Misc. No.27274/2022
- 2. For hearing of main case

16.04.2025

Mr. Aqil Ahmed, advocate for the petitioner
Mr. Aamir Raza, advocate for respondent

On 11.10.2023, the following order was passed:

“On 24.10.2022, an ad-interim order was obtained from this Court; whereby, the Respondents were directed not to deliver the goods of the Petitioner to any third party. Today, we have confronted the Petitioner’s Counsel as to the non-joining of Auction Purchaser as well as the notice or documents of auction on the basis of which, ad-interim order was obtained and he is not in a position to satisfactorily respond. Record reflects that no documents in respect of auction proceedings have been annexed with the Memo of Petition.

In view of such position, ad-interim order was passed on 24.10.2022 stands recalled. Adjourned to a date in office”

The order demonstrates prima facie issue of maintainability with respect of petition. On 09.04.2025 the earlier order was reiterated and opportunity was given to the petitioner counsel yet again, however, he remained unable to satisfy.

Para-wise comments filed on behalf of department demonstrate a letter dated 28.12.2020, representing no objection of the petitioner to the auction notice, subject matter herein. Order-in-original dated 07.12.2017, is also placed on record to which no appeal has been filed. The notice under Section 82 of Customs Act, 1969 has also been filed by the respondent to which the reply has already been referred to supra. Learned counsel refers to statement filed on behalf of respondents No.2 & 3 dated 25.10.2023, whereby the auction letter, public announcement and schedule etc. have been placed on record. In view of the foregoing, the petition is found to be misconceived and even otherwise disputed questions of facts are not amenable for adjudication in writ jurisdiction. Petition is dismissed.

Judge

Judge