

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

Special Customs Reference Application 338 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on office objection No.21
- 2. For hearing of CMA No.2795/2018
- 3. For hearing of main case
- 4. For hearing of CMA No.2796/2018

13.11.2025

Mr. Fawad, advocate holds brief for Dr. Shahnawaz Memon,  
advocate for the applicant

On 30.10.2025 following order was passed:-

“Learned counsel proposes following question of law for determination :

Whether under the facts and circumstances of the case, the vehicle found to have been registered under irrelevant auction documents and having tampered chassis number, the impugned order passed by the Appellate Tribunal for release of vehicle is not against the law as decided by the Honorable Supreme Court of Pakistan in the case of Muhammad Aftab Khan in Civil Petition No.1809/L of 2002 dated 25.06.2002?

Notwithstanding the foregoing he states that admittedly vehicle with tampered chassis number etc. has been ordered to be released and the same is dissonant with the law as recently observed by the honourable Supreme Court in paragraph 22 of the judgment passed on 03.03.2025 in Civil Appeals 1088, 1231 to 1236 of 2013 (*Intelligence Officer, Directorate of Intelligence & Investigation FBR and others vs. Abdul Karim*).

The reference application is admitted; notice to the respondent for 13.11.2025, through first two modes as well as courier. Learned counsel to place tracking report of courier on record. In the meanwhile, operation of the impugned judgment dated 09.06.2018 passed in Customs Appeal No.K-311 of 2017, is suspended.”

Bailiff report demonstrates that service has been effected, however, despite seven years having elapsed the respondent opted to remain unrepresented.

Be that as it may, the question framed for determination appears to have been decided in favour of the applicant department by virtue of the judgment cited *supra*. In view hereof, learned counsel seeks that for the same reasons, as aforesaid, the question may be decided in favour of the present applicant. Order accordingly. Consequently, the impugned judgment is *set aside* and this reference application is disposed of.

A copy of this decision may also be sent under the seal of this Court and signature of the Registrar to the learned Customs Appellate Tribunal, as required per section 196(5) of the Customs Act, 1969.

Judge

Judge

B-K Soomro