

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C. P. NO. D-3912 / 2020**

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Date    Order with signature of Judge

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**PRIORITY**

- 1) For hearing of CMA No. 16424/2020.
- 2) For hearing of main case.

**15.10.2020.**

Mr. Ali Gohar Masroof Advocate for Petitioner.  
Mr. Muhammad Ahmar Assistant Attorney General.  
Mr. Khalid Rajpar Advocate for Respondent No. 1.

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This Petition has been filed seeking directions against the Respondents to cancel auction of vehicle claimed to be owned by the Petitioner / H. H. Sheikh Hamdan Bin Zayed Al Nahyan.

Comments have been filed after issuance of notice and today learned Counsel for Respondents has argued that the Department had issued a Show Cause Notice on 22.05.2019 after seizure / detention of the vehicle in question, and none had contested the matter, whereas, subsequently, Order in Original No.30/2019-20 dated 09.07.2019 has already been passed, whereby the Vehicle has been confiscated.

While confronted, Petitioner's Counsel submits that Petitioner had no knowledge, whereas, the vehicle in question was under repair and was seized unlawfully. As to the lawful import, it is the case of the Petitioner that the import documents have been lost; however, it belongs to His Highness.

We have heard both the learned Counsel and perused the record. Instant Petition has been filed on behalf of H. H. Sheikh Hamdan Bin Zayed Al Nahyan / UAE Embassy by the present petitioner and it is

claimed in the memo of petition that the vehicle was brought by the Ruler of UAE from Dubai to Rahim Yar Khan by Air in the year 2008. It is further stated that the vehicle was in the workshop of Azam Autos and was seized by the Customs Authorities. However, neither any document of the lawful import by the UAE Embassy i.e. the Goods Declaration and exemption / NOC of the Ministry of Foreign Affairs has been placed on record. It is also a matter of record that a Show Cause Notice was issued and addressed to the workshop in question and if the Petitioner's case is that the vehicle was parked in the workshop for repair, then it was the duty of the workshop to inform the petitioner about the Show Cause Notice and the seizer of vehicle within time; hence, the plea that they had no information regarding the adjudication proceedings does not appeal to us. It further appears that thereafter, Order in Original has also been passed in this matter.

Therefore, in our view this Petition has become infructuous, whereas, the Petitioner if so advised may approach the Appellate Forum against the Order in Original. Petition stands dismissed in the above terms.

**J U D G E**

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Arshad/