

IN THE HIGH COURT OF SINDH AT KARACHI
(Appellate Jurisdiction)

High Court Appeal No. 291 of 2018

Date	Order with signature of Judge
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Present:

Mr. Justice Aqeel Ahmed Abbasi
Justice Mrs. Rashida Asad

Hearing / Priority

- 1 For hearing of Main Case.
2 For hearing of Misc. No. 2388/2018.
3 For orders on Nazir Report dated 12.03.2019..

20.01.2021:

Mr. Muhammad Faisal Siddiqui, advocate for the appellant.
Mr. Muhammad Bilal Bhatti, advocate for respondent No.2–4
Mr. Muhammad Khalil Dogar, advocate for respondent No.5.
Mr. Muhammad Aminullah Siddiqui, Asstt. Attorney General.

ORDER

1. Instant High Court Appeal has been filed against the order dated 31.08.2018 passed by the learned Single Judge of this Court in Civil Suit No.2744/2016, whereby, on the application being CMA No. 12046/2018 (under Order 23 Rule 1 CPC) seeking permission to withdraw the suit unconditionally, has been dismissed, whereas, Nazir has been directed to release the 50% of the disputed amount of Rs.88,14,887/- to the Department.

2. After hearing the learned counsel for the parties at some length, by consent, instant High Court Appeal is disposed of in the following terms:-

- i) *The Nazir of this Court may disburse the 50% of the disputed amount i.e. 88,14,887/- to the concerned Deputy Collector, M.C.C. Port Muhammad Qasim, whereas, the remaining 50% of the disputed amount alongwith profit thereon, as per Nazir's Report*

dated 12.03.2019, shall be returned to the appellant, within a period of seven (07) days of this order.

ii) The respondents, however, will be at liberty to proceed against the appellant by initiating the process of adjudication in respect of subject controversy by issuing a Show Cause Notice within seven days, which shall be responded by the appellant, whereas, it is expected that such proceedings may be concluded within a period of two months' from the date of issuance of Show Cause Notice.

iii) The fate of the remaining amount will be dependent upon final determination of liability, if any, in accordance with law, thereafter, the said amount shall be paid to the succeeding party.

iv) Consequently, the Civil Suit No.2744/2016 stands dismissed as withdrawn in the above terms.

Instant High Court Appeal stands disposed of in the above terms alongwith listed application.

JUDGE

JUDGE

A.S.