

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No. **D - 5522** of 2018

Date	Order with signature of Judge
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Present:

Mr. Justice Aqeel Ahmed Abbasi
Mr. Justice Zulfiqar Ahmed Khan.

1. *For hearing of CMA No.23940/2018.*
2. *For hearing of main case.*

Dated: 15.05.2019

Sardar Muhammad Ishaque, advocate for petitioner.
Ms. Masooda Siraj, advocate for respondent
Ms. Lubna Pervaiz, Deputy Attorney General.

ORDER

Pursuant to Court's direction, learned counsel for the respondent under instructions submits that respondents have filed references being SCRA Nos.227 to 234 of 2019 against combined judgment, including **Customs Appeal No.K-1253/2018 dated 12.03.2019** passed by the Customs Appellate Tribunal, Bench-II, Karachi, which are subject matter of instant petition, however, submits that no notice in the aforesaid references has so far been issued nor any restraining order has been passed. Learned counsel for the petitioner submits that this Court has been pleased to allow provisional release of Hino Trucks imported by the petitioners in number of other petitions, however subject to depositing the import documents before the Nazir of this Court along with undertaking by the petitioner that no 3rd party interest will be created in such vehicles by the petitioner till decision by this Court in the reference filed by the respondents, therefore, requests that similar relief may also be extended to the petitioner in the instant case. It has been further stated that import documents of the subject vehicles are in possession of the

Customs Authorities, who may be directed to submit the same before the Nazir of this Court. Learned counsel for the respondent as well as learned DAG could not controvert such position.

Accordingly, petition stands disposed of with the direction to the respondents/Customs Authorities to submit import documents before the Nazir of this Court in respect of the subject vehicles, whereas, petitioner is directed to file an undertaking to the effect that no 3rd party interest would be created in the subject vehicle i.e. Hino Trucks till final decision by this Court in the above references filed by the Customs Authorities against the order of the Customs Appellate Tribunal, which are subject matter of instant petition. On furnishing import documents by the respondents/Customs Authorities and undertaking by the petitioner within seven days, respondents shall immediately allow the provisional release of the subject vehicles i.e. Hine Trucks.

Office is directed to fix the aforesaid references filed by the respondents/Customs Authorities in Court soon after summer vacations.

Petition stands disposed of in the above terms along with listed application.

J U D G E
J U D G E

Nadeem.