

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
High Court Appeal No.332 of 2021

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| Date | Order with signature of Judge |
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Hearing (Priority) Case:

1. For orders on CMA No.2539/2021 (U/S 5 of Limitation Act)
2. For orders on office objections.
3. For hearing of main case.
4. For hearing of CMA No.2541/2021 (Stay)

14.03.2022:

Mr. Iftikhar Hussain, advocate for the appellant along with Mr. Fazal Mehmood Sherwani, advocate.

Mr. Shahanshah Shanil Paracha, advocate for the respondent.

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

- 1) The appellant will make payment of all the charges including building utilization charges, production royalty, scientist stipend along with all the utility charges upto date within fifteen (15) days as per agreement between the parties dated 17.05.2008 and addendum dated 29.01.2011, thereafter, respondent will issue a clearance certificate of dues and shall place before the learned Single Judge for verification, however, without prejudice to right and claim of either party in the Suit.
- 2) The appellant shall also secure the disputed amount towards building utilization charges as per revised

rates as per letter dated 09.05.2017 (Annexure A/33 Page 241) issued by the Pakistan Counsel of Scientific & Industrial Research (PCSIR), duly communicated to the appellant by the respondent through letter dated 18.02.2022, however, by excluding the electricity charges, which the appellant has already been directed to clear in terms of paragraph 1 hereinabove, in the sum of Rs.2,35,11,700/- by way of some tangible security within fifteen (15) days to the satisfaction of Nazir of this Court. As soon the appellant complies with the above directions, the respondent shall allow entry of raw material of pharmaceutical product and also issue gate passes in respect of medicines duly manufactured by the appellant, and shall not create any hindrance in the smooth lawful business activity of the appellant in terms of agreement as referred to hereinabove.

- 3) In the meanwhile, in view of expiry of period of the above agreements, if the appellant fails to negotiate with the respondent for revising the terms of the earlier agreement(s) by enhancing the building utilization charges, along with production royalty, scientist stipend and all the utility charges etc. as per revised rate within a period of two months, the appellant shall vacate the premises and handover the physical vacant possession of the subject premises to the respondent within four months from the date of this order. This is however without prejudice to right

and claim of both the parties which may be finally decided by the learned Single Judge in Suit No.2187/2017. It is expected that the learned Single Judge after recording evidence, may decide the subject suit at an early date, preferably, within a period of three months from the date of this order, provided both the parties shall not seek any unnecessary adjournments.

Instant High Court Appeal stands disposed of in the above terms along with listed applications.

JUDGE

JUDGE