

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

High Court Appeal No.25 of 2024

Pak Hoisery Manufacturers & Exporters Association & others
Versus
Federation of Pakistan and others

High Court Appeal No.26 of 2024

Shujaabad Agro Industries (Pvt.) Limited & another
Versus
Federation of Pakistan and others

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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High Court Appeal No.25 of 2024

Fresh Case

1. For order on CMA No.123/2024 (Urgent).
2. For order on office objection a/w reply as at "A".
3. For order on CMA No.124/2024 (Exemption).
4. For hearing of main case.
5. For order on CMA No.125/2024 (Stay)

High Court Appeal No.26 of 2024

Fresh Case

1. For order on CMA No.126/2024 (Urgent).
2. For order on CMA No.127/2024 (Exemption).
3. For hearing of main case.
4. For order on CMA No.125/2024 (Stay).

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Dated 19.01.2024

M/s Abid S. Zuberi and Ayan Mustafa Memon, Advocates for Appellants in both appeals.

Mr. Ijaz Ahmed Zahid, Advocate for Respondent No.3/SSGC in both appeals.

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Mr. Ijaz Ahmed Zahid, learned counsel files vakalatnamas on behalf of Respondent No.3 in both appeals, which are taken on record.

Mr. Abid S. Zuberi Learned counsel for Appellants has filed these two appeals against some ad-interim orders. In first order the appellants were directed to secure differential amount in cash. The said order was interfered by way of an application where a request was made by the consumers to provide them an alternate by way of a bank guarantee. The application was declined, hence these appeals against the said orders, in particular the earlier one as later is only a review sought.

Notwithstanding above, we have heard Mr. Abid S. Zuberi learned counsel for appellants assisted by Mr. Ayan Mustafa Memon and Mr. Ijaz Ahmed Zahid, learned counsel for Respondent No.3.

We are of the view that it was a discretion exercised by the learned single Judge, insofar as securing the differential amount by way of cash is concerned. Had this discretion, as exercised, was not available, we could intervene but it seems that it was a lawful exercise of discretion. Alternatively, had it been secured by way of a bank guarantee, same question would have been imposed if an appeal would have been preferred by Mr. Ijaz, but that is not the case here. It is an case of exercise of discretion and we do not find any bias in it.

Appellants might have been burdened with this payment of differential amount by way of cash but that is a way considered lawful for granting ad-interim order. In all fairness, however, the applications pending in suits be heard preferably in four weeks' time and a reasoned order, particularly in relation to cash amount, be also provided while finally disposing off the application, in case the situation so requires, depending on the nature of order disposing off application. In case pending applications are delayed for any reason, the appellants may move any appropriate application which the court may consider in accordance with law.

Both the appeals stand disposed off in the above terms along with listed applications. Office to place a copy of this order in above connected appeal.

JUDGE

JUDGE