

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Constitution Petition No. D- 2974 of 2023

Date

Order with signature of Judge

Priority.

1. For hearing of CMA No. 14204/23 (stay)
2. For hearing of main case.

25.01.2024.

Sardar Muhammad Ishaq along with Mr. Amjad Hayat, Advocate for Petitioner.

Mr. Mirza Nadeem Taqi, Advocate for Respondent Nos. 2 & 3.

Mr. Kashif Nazeer, Assistant Attorney General.

Mr. Jahanzeb Abbas, D.C. Customs West Collectorate.

Through this petition, the Petitioner seeks setting aside of Notice under Section 82 of the Customs Act, 1969. It appears that earlier the Petitioner had filed C.P No. D-22/2023, which was allowed vide Order dated 30.01.2023; whereby, the Petitioner was directed to secure the disputed amount of storage and detention charges before the Nazir of this Court and the consignment was ordered to be released. The Petitioner never complied with such orders and in the meantime, the auction proceedings were initiated by the Respondents and impugned notice was issued. Thereafter the Petitioner filed the present petition and has also obtained restraining orders as to the auction of the goods. Today, Petitioner's Counsel has been confronted with these facts as stated in para-10 of the petition and pointed out by the Respondents' Counsel and he has not been able to satisfactorily respond. The conduct of the Petitioner is not only misleading; but also amounts to sheer wastage of Court's precious time inasmuch as earlier order of the Court was never complied with and as a consequence thereof, the Respondents were fully justified in auctioning the goods in question. Despite such undisputed admitted facts instant petition has been filed and restraining order has been obtained. Before parting with the order, we find it necessary to emphasize that it is high time that courts and tribunals should regularly exercise their powers

to impose reasonable costs to curb the practice of instituting frivolous and vexatious cases by unscrupulous litigants, which has unduly burdened their dockets with a heavy pendency of cases, thereby clogging the whole justice system¹. The practice of imposing costs would thus cleanse the court dockets of frivolous and vexatious litigation, encourage expeditious dispensation of justice, and promote a smart legal system that enhances access to justice by taking up and deciding genuine cases in the shortest possible timeframe².

In view of above facts and circumstances, the Petition being misconceived and sheer wastage of precious time of the Court was dismissed by means of a short order in the earlier part of the day with costs and these are the reasons thereof.

J U D G E

J U D G E

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¹ Zakir Mehmood v Secretary Ministry of Defence (2023 SCMR 960)

² Qazi Naveed ul Islam v District Judge (PLD 2023 SC 298)