

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. *NIL* of 2023
Focus Apparel Pvt. Ltd. vs. Federation of Pakistan

Date	Order with signature of the Judge
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- 1 For hearing of CMA No. 11538 of 2023 (stay)
- 2 For orders on office objection at Flag-“A”

30.08.2023

Mr. Kamran Iqbal advocate for the Plaintiff along with Plaintiff
Mr. Amir Zeb Khan, D.A.G alongwith M/s Muneeb Ahmed, Bank Al-Falah,
Manager Overdue Department, Khurram Sheikhan, Assistant Manager
(legal) Meezan Bank and Dr. Atifuddin, advocate for State Bank of
Pakistan

The Plaintiff is aggrieved by a judgment dated 19.12.2022 rendered by the Adjudicating Authority under the Foreign Exchange Registration Act 1947. Per learned counsel, an appeal against the said judgment is provided under section 23C of the FERA 1947 and the same was filed on 17.02.2023. However, since the law mandates provision of security for entertaining of the appeal and the same was also ordered by the Appellate court, the Plaintiff has filed this suit.

Learned counsel for the SBP submits that a detailed adjudication mechanism is provided under the relevant statute and the Adjudication Proceedings & Appeal Rules 1988. Learned counsel submits that in the presence of statutory remedy no case could be considered for usurping the authority of the statutory forum and conducting appellate proceedings in a civil suit.

Heard and perused. Admittedly, the impugned judgment is appealable and an appeal has also been preferred there against before the statutory forum of competent jurisdiction. Default by the plaintiff itself in compliance of statutory provisions for filing of appeal could not be demonstrated to denude the statutory forum of its jurisdiction and confer the same upon this court.

The statutory requirement for provision of security for appeal could not be unilaterally deemed to render the statutory appellate forum irrelevant. Even otherwise, the plaintiff's learned counsel remained unable to demonstrate as to under what law this Court could assume jurisdiction in the matter under consideration. In view of the foregoing, the plaint herein is hereby returned¹.

J U D G E

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¹ Per *Junaid Ghaffar J* in Order dated 25.10.2016 in Suit 2631 of 2015; *Murlidhar P Gangwani vs. Engineer Aftab* reported as 2005 MLD 1506; *Dewan Scrap vs. Customs CE & Sales Tax Tribunal* reported as 2003 PTD 2127; *Safe Mix Concrete vs. Pakistan* reported as 2020 CLC 602.