ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit 293 of 2024

Date: Order with signature of the Judge

For hearing of CMA No.4887/2027

25.09.2024

Mr. Asim Mansoor Khan, advocate for the plaintiff

Per this application the plaintiff seeks access to the godown in order to remove / extract its stock / material stored therein. Per learned counsel the godown was rented by the plaintiff, however, access to the same is being prevented by the defendant and the plaintiff's material available in the godown is at serious risk of wastage. Notice of this application was issued on 08.04.2024. Bailiff report dated 30.04.2024, demonstrates that the defendant refused to accept the service. Subsequently, notice was reissued and bailiff report dated 25.09.2024 demonstrates that the defendant has been served. Despite service the defendant has opted to remain unrepresented and no objection / counter affidavit etc. to the application has been preferred.

In view of the aforesaid, service is held good. The defendant has voluntarily opted neither to be present nor to file any counter affidavit to the application under consideration. The plaintiff reasonably expresses apprehension of his stocks being wasted hence irreparable damage would occur thereto. In view hereof, this application is allowed to the remit that the plaintiff shall provide list of its stock / material to the learned Nazir. The Nazir would have the premises visited, prepare inventory and collect the identified assets of the plaintiff. The said assets would be restored to the plaintiff subject to rules. Nazir's fee is fixed at Rs.50,000/-, to be paid by the plaintiff in advance.

Judge

Amjad