

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-3420 of 2022

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

- 1.For hearing of Misc.No.15190/2022
- 2.For hearing of main case.

10.03.2025

Mr.Adil Saeed, Advocate for the Petitioner.
Mr.Kashif Nazeer, Assistant Attorney General.

Present petition has been filed seeking interference in a contract to which the petitioner is not a party.

A bank guarantee has been issued by a bank to the FBR and this petition has been filed to seek a restraint upon encashment thereof. Interim orders preventing the encashment of the guarantee have been obtained and remain in the field since 2022.

The law in respect of bank guarantees is settled and there is barely any scope of interference therewith by third parties. Irrespective hereof, such interference has historically been sought in original civil jurisdiction since the matter is *prima facie* contractual. In the present case such interference has been obtained in the writ jurisdiction of this Court.

This petition is found to be misconceived and frivolous *inter alia* as no case is made out for interfering in a contractual matter involving disputed questions of fact, therefore, is dismissed with costs of Rs. 100,000/-; to be deposited by the petitioner with the Sindh High Court Clinic within a week hereof. In the event that the costs are not deposited as aforesaid, the same may be recovered as arrears of land revenue; *inter alia* per Chapter VIII of the Land Revenue Act 1967.

Judge

Judge

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