



HIGH COURT OF SINDH

Case Law Review



Fortnightly Bench Update



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FORTNIGHTLY BENCH UPDATE

(01-04-2026 to 15-04-2026)

An Overview of Recent Judgments of Federal Constitutional Court of Pakistan, Supreme Court of Pakistan, and Sindh High Court, Compiled and Published by the Legal Research Cell, High Court of Sindh, Karachi

NOTABLE JUDGMENTS

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	High Court of Sindh	<p>(iii). Whether the Respondents' sole ground for rejection — that the Petitioner is only a “charterer” and not the “owner” of the FSRU — is legally sustainable, especially when the Petitioner is the owner of the industrial undertaking (LNG terminal) and the importer for tax purposes?</p> <p>(iv). Whether the Respondents violated the EETL judgment, the statutory SROs, and the Petitioner's fundamental rights (Articles 4, 18 & 25 of the Constitution)?</p>		
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1. FEDERAL CONSTITUTIONAL COURT OF PAKISTAN
Siraj Ahmed v. Governor Punjab & others
C.P.L.A. No. 5312 of 2024

Present: **Mr. Justice Aamer Farooq**
Mr. Justice Syed Arshad Hussain Shah

<https://www.fccp.gov.pk/download/eyJpdjI6InhsdVRVWWJtV2FZWmZMQitQYkdEcGc9PSIsInZhbHVlIjoimWRkZzZQOTVQRGJQYmxBanRNQWRJUT09IiwibWFjIjoimQ1NzdlMDM5MmJkZmRiYzJjZTgxYzlxMGEwZDdmMzZlYmI3MjE0ZDRkOGRlYzI0NTEyODg0OWZkZDRjYWZmNCIsInRhZyI6IiJ9>

Facts: The petitioner, Siraj Ahmad, challenged the termination of his contractual appointment by the Government of Punjab, which had been made after consultation with the Chief Justice of the Lahore High Court. He contended that his removal was unlawful due to the absence of a show-cause notice and proper inquiry, and also questioned the jurisdiction of the Federal Constitutional Court to entertain the matter. Additionally, he raised a preliminary objection that the Court lacked authority to initiate or adjudicate contempt proceedings because the Contempt of Court Ordinance, 2003 does not expressly include the Federal Constitutional Court within its scope. The respondent, represented by the Additional Advocate General, argued that the appointment was contractual and could be terminated without formal inquiry, and that due consultation had been undertaken before termination.

Issues: (i). Whether the Federal Constitutional Court of Pakistan has jurisdiction to initiate and adjudicate contempt of court proceedings despite the absence of explicit mention in the Contempt of Court Ordinance, 2003?

(ii). Whether the petitioner's contractual termination, without a formal show-cause notice or inquiry, was lawful and whether the petition was maintainable?

Rule: The Court relied on Articles 204 and 189 of the Constitution of Pakistan, 1973, holding that the power to punish for contempt is constitutionally conferred and self-executing in nature. Article 204 explicitly empowers superior courts, including the Federal Constitutional Court, to punish for contempt, and this power does not depend on statutory recognition. The Court also invoked the doctrine of self-execution, explaining that constitutional provisions which provide a complete legal framework operate independently without requiring legislative implementation. Additionally, it reaffirmed that contempt powers are inherent in the judiciary as essential to maintaining its authority and independence. Regarding the merits, the Court applied settled law that contractual appointments can be terminated in accordance with their terms without necessitating a show-cause notice or inquiry, and that constitutional petitions under Article 199 are generally not maintainable in such circumstances.

Application: Applying these principles, the Court held that Article 204 clearly includes the Federal Constitutional Court within the definition of “Court” and provides sufficient substantive detail regarding contempt, making it self-executing. Therefore, the absence of reference in the Contempt of Court Ordinance, 2003 does not limit or negate the Court’s jurisdiction. The Court further emphasized that contempt powers are inherent and indispensable for ensuring compliance with judicial orders. On the merits, the Court found that the petitioner’s appointment was purely contractual and had been terminated after due consultation with the Chief Justice of the Lahore High Court. The record also showed that a show-cause notice had in fact been issued and replied to. Consequently, the petitioner’s claims of lack of due process were unfounded. Furthermore, no substantial question of law arose to justify granting leave to appeal under Article 175F, as the matter primarily involved factual determinations and settled legal principles.

Conclusion: The Court concluded that it possesses constitutional and inherent jurisdiction to entertain contempt proceedings under Article 204, irrespective of statutory omission. It also held that the petitioner’s termination was lawful and in accordance with contractual terms and due process. As no substantial question of law was involved, the petition was found to be without merit. Accordingly, leave to appeal was refused and the petition was dismissed, with a caution issued to the petitioner regarding inappropriate conduct bordering on contempt.

2. SUPREME COURT OF PAKISTAN

Muhammad Humayun and others v. Shafqat Ali Nisar and others
Civil Petition For Leave to Appeal No.1035 of 2022

Mst. Taj Bibi and another v. Shafqat Ali Nisar and others
Civil Petition For Leave to Appeal No. 1104 of 2022

Present: **Mr. Justice Yahya Afridi, (Honourable Chief Justice)**
Mr. Justice Shahid Bilal Hassan

Source: https://www.supremecourt.gov.pk/downloads_judgements/c.p. 1035 2022.pdf

Facts: The case before the Supreme Court of Pakistan concerned a dispute over Plot No. 1060 in Sector E-12/3, Islamabad. The original owner, Mst. Taj Bibi, allegedly entered into an agreement to sell the property on 22.09.2000 to the plaintiff (Respondent No.1) for Rs. 600,000, which was claimed to have been fully paid. Since the property was not transferable at the time, General Powers of Attorney

were executed in favor of the plaintiff. Later, when the property became transferable, the vendor allegedly refused to complete the sale, leading the plaintiff to file a suit for specific performance in 2005. The defendants contested the claim, asserting that the agreement was forged, not proved according to law, and that the property had already been transferred through a lawful chain to bona fide purchasers. Despite these objections, the Trial Court decreed the suit, and both the Appellate Court and the Islamabad High Court upheld the decision, prompting the petitioners to approach the Supreme Court.

Issue: Whether the agreement to sell dated 22.09.2000 was proved in accordance with the mandatory requirements of Articles 17 and 79 of the Qanun-e-Shahadat Order, 1984, and whether the equitable relief of specific performance could be granted on the basis of such allegedly unproven document?

Rule: The Court reiterated that under Articles 17 and 79 of the Qanun-e-Shahadat Order, 1984, any document required by law to be attested must be proved through its attesting (marginal) witnesses unless their absence is satisfactorily explained. This principle has been consistently upheld in precedents such as *Rafaqat Ali v. Mst. Jamshed Bibi* (2007 SCMR 1076) and *Ainuddin v. Abdullah* (2019 SCMR 880). Failure to produce attesting witnesses renders such documents legally unproved. Additionally, the relief of specific performance is discretionary and equitable, as emphasized in *Liaqat Ali Khan v. Falak Sher* (PLD 2014 SC 506), and is not to be granted merely on the existence of a claim but upon proper proof and equitable considerations.

Application: Applying these principles, the Court observed that the execution of the agreement to sell was specifically denied by the defendants, thereby requiring strict proof. However, the plaintiff failed to produce any of the marginal witnesses who had attested the agreement, nor provided any explanation for their absence. This omission was held to be fatal, as it violated the mandatory evidentiary requirements. Furthermore, the Court noted that third-party rights had already been created through lawful transfer recognized by the Capital Development Authority, strengthening the position of the petitioners as bona fide purchasers. The lower courts were found to have misapplied the law by granting specific performance despite these evidentiary defects and without properly exercising judicial discretion.

Conclusion: The Supreme Court concluded that the plaintiff had failed to prove the agreement to sell in accordance with the mandatory provisions of law and was therefore not entitled to the equitable relief of specific performance. Consequently, the petition was converted into an appeal and allowed, the judgments of the lower courts including the Islamabad High Court were set aside, and the plaintiff's suit was dismissed, with each party bearing its own costs.

3. SUPREME COURT OF PAKISTAN
Muhammad Munawar v. The State
Criminal Appeal No.243 of 2017

Present: **Mr. Justice Muhammad Hashim Khan Kakar**
Mr. Justice Ishtiaq Ibrahim

Source: https://www.supremecourt.gov.pk/downloads_judgements/j.p._144_2025.pdf

Facts: The petitioner, Muhammad Munawar (formerly Munawar Masih), was convicted by the trial court under Section 302(b) PPC for the murder of his sister, Mst. Shabana Bibi, and was sentenced to life imprisonment along with compensation. The prosecution case stated that on 10.07.2013, the petitioner arrived at the complainant's house and, armed with a carbine, shot the deceased on her forehead, causing her instant death. The FIR was promptly lodged within one hour and ten minutes of the occurrence, and the petitioner was specifically nominated as the sole accused. The conviction was upheld by the Lahore High Court, leading to the filing of the present jail petition before the Supreme Court. The prosecution relied primarily on eyewitness testimony (PW5 and PW7) and medical evidence, while the alleged motive and recovery of the weapon were not substantiated to the satisfaction of the Court.

Issue: Whether the conviction of the petitioner for the offence of murder under Section 302(b) PPC could be sustained on the basis of reliable ocular evidence corroborated by medical evidence, despite the failure of the prosecution to prove motive and conclusively link the recovered weapon with the crime?

Rule: It is a settled principle of criminal jurisprudence that a conviction can be safely based on trustworthy and confidence-inspiring ocular evidence, especially when it is corroborated by medical evidence. Prompt lodging of the FIR strengthens the prosecution case by excluding the possibility of deliberation or fabrication. Furthermore, in cases involving close relatives, the likelihood of false implication or substitution of the real offender is minimal. Failure to prove motive or recovery is not fatal to the prosecution case if the direct evidence regarding the occurrence is reliable and sufficient to establish guilt beyond reasonable doubt.

Application: In the present case, the FIR was lodged promptly, naming the petitioner as the sole accused, which negated the possibility of fabrication. The eyewitnesses, being natural inhabitants of the scene and closely related to the deceased, consistently testified that the petitioner fired the fatal shot, and their statements remained unshaken during cross-examination. Their account was fully corroborated by medical evidence, which confirmed a fatal firearm injury consistent with the prosecution's version. Although the alleged motive relating to

disapproval of the deceased's marriage was disbelieved due to lack of supporting evidence and the long passage of time, and the recovery of the weapon was also found inconclusive, these deficiencies did not undermine the core prosecution case. The strong and consistent ocular account, supported by medical findings, was sufficient to establish the petitioner's guilt beyond reasonable doubt.

Conclusion: The Supreme Court concluded that the prosecution had successfully proved its case against the petitioner through reliable ocular evidence corroborated by medical evidence, notwithstanding the failure to establish motive and recovery. Consequently, the conviction and sentence awarded by the lower courts were upheld, the petition was dismissed, and leave to appeal was refused.

4. SINDH HIGH COURT

Muhammad Abid Awan v. The State

Criminal Appeal No. 730 of 2024

Present: **Mr. Justice Zafar Ahmed Rajput (Honourable Chief Justice)**
Ms. Justice Jan Ali Junejo

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA5OTkzY2Ztcy1kYzgz>
2026 SHC KHI 814

Facts: The Appellant, Muhammad Abid Awan, was convicted by the Trial Court under Section 9(2) of the Control of Narcotic Substances Act, 1997 and sentenced to eight years' rigorous imprisonment along with a fine of Rs. 12,00,000. The prosecution case was that ANF officials, acting on information from DHL authorities, intercepted a parcel on 17.06.2023 containing sports goods in which 1050 grams of methamphetamine (ICE) was concealed. The parcel was allegedly booked through AJ Express Worldwide Courier and destined for Sri Lanka. The Appellant was subsequently arrested from the courier office, and his alleged connection with the parcel was based primarily on shipment documents naming him as the sender. However, no narcotics were recovered from his person, and co-accused were acquitted by the Trial Court.

Issue: Whether the prosecution successfully proved beyond reasonable doubt that the Appellant had conscious possession, knowledge, or involvement in the transportation/export of narcotics so as to justify his conviction under the Control of Narcotic Substances Act, 1997?

Rule: It is a settled principle of criminal jurisprudence that the prosecution must establish its case beyond reasonable doubt, and any doubt must be resolved in favour of the accused. In narcotics cases, strict compliance with legal safeguards relating to

recovery, custody, and proof of conscious possession is essential. Although Section 29 of the Control of Narcotic Substances Act creates a presumption against the accused, such presumption arises only after the prosecution establishes foundational facts linking the accused to possession or involvement. Furthermore, non-production of best available evidence, such as CCTV footage or primary documentary proof, may lead to adverse inference against the prosecution. The principle of benefit of doubt, as reiterated in *Muhammad Riaz v. The State (2024 SCMR 1839)*, requires acquittal even if a single reasonable doubt exists.

Application: In the present case, the prosecution failed to establish a credible nexus between the Appellant and the contraband. No narcotics were recovered from his person, and no original booking receipt or documentary evidence was secured from him. The prosecution relied primarily on courier documents bearing his name as the sender, but failed to prove authorship or execution of these documents through reliable evidence such as verified signatures, CCTV footage, or transactional records. The Investigating Officer admitted that CCTV footage from the courier office—an essential piece of evidence—was neither obtained nor produced, despite its availability. Additionally, the timeline of events was inconsistent and illogical, as the parcel was booked a day prior and seized early morning, yet the Appellant was allegedly found at the courier office much later without any convincing explanation. Similar deficiencies led to the acquittal of co-accused, and these evidentiary gaps equally undermined the case against the Appellant. Consequently, the foundational facts required to trigger the statutory presumption under Section 29 were not established, rendering the prosecution’s case doubtful.

Conclusion: The Court held that the prosecution failed to prove its case beyond reasonable doubt due to lack of corroborative evidence, non-production of best evidence, and inconsistencies in the prosecution story. Extending the benefit of doubt, the conviction and sentence of the Appellant were set aside, and he was acquitted of the charge with a direction for his release, if not required in any other case.

5. SINDH HIGH COURT

Market Committee Karachi v. Haji Shah Jehan and others

High Court Appeal No. 59 of 2017

Present: **Mr. Justice Muhammad Faisal Kamal Alam**
Justice Ms. Sana Akram Minhas

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA5MjY1Y2Ztcy1kYzgz>
2026 SHC KHI 705

Facts: The case arises out of a dispute between the Market Committee Karachi and Haji Shah Jehan regarding a plot purchased by the respondent in a public auction in

1995 at the New Sabzi Mandi, Karachi. After full payment, the respondent was issued a provisional allotment; however, the allotment was later cancelled by the Market Committee in 2001. Consequently, the respondent filed a suit for specific performance and other reliefs. During the pendency of the suit, a Settlement Deed was executed in 2015 between the respondent and the then (outgoing) Administrator of the Market Committee, whereby the original plot (556 sq. yards) was substituted with four shops and an alternate plot of equivalent area. A compromise application under Order XXIII Rule 3 CPC was filed. However, by the time it was presented before the Court, a new (incoming) Administrator had taken charge and opposed the compromise on the ground that it lacked approval of the competent authority under Section 14 of the Agricultural Produce Markets Act, 1939. The learned Single Judge allowed the compromise and decreed the suit accordingly, leading to the present appeal.

Issue: Whether a compromise entered into by an outgoing Administrator of a superseded Market Committee, and later opposed by the incoming Administrator, is legally valid and enforceable, particularly in light of Section 14 of the Agricultural Produce Markets Act, 1939?

Rule: Under Section 14 of the Agricultural Produce Markets Act, 1939, a Market Committee has the authority to transfer immovable property, subject to approval by a three-fourths majority of its members in a specially convened meeting. However, Sections 25 and 25-A of the Act provide that where a Market Committee is superseded, its functions, powers, and assets vest in the Government or its appointed Administrator. In such circumstances, the procedural requirements of Section 14 become inapplicable, and the Administrator assumes full authority to act on behalf of the Committee. Additionally, principles of administrative law establish that acts performed by a public functionary in an official capacity are institutional in nature and cannot be arbitrarily revoked by a successor without due legal process.

Application: In the present case, the Market Committee was admittedly superseded, and its functions were being exercised by Government-appointed Administrators. Therefore, the requirement of obtaining a three-fourths majority approval under Section 14 did not apply. The outgoing Administrator, acting within the authority vested in him, validly entered into the Settlement Deed with the respondent. The incoming Administrator's objection was based solely on internal administrative disagreement and not on any proven illegality. Furthermore, the Settlement Deed did not confer any undue benefit upon the respondent but merely substituted the original plot with equivalent property (four shops and a plot totaling the same area), in line with a prior undertaking by the Market Committee. The Court also emphasized that continuity in public administration must be maintained, and actions taken by one officeholder

cannot be invalidated by a successor merely on subjective grounds. No evidence of fraud, illegality, or excess of authority was established to justify setting aside the compromise.

Conclusion: The Court held that the compromise entered into by the outgoing Administrator was lawful, valid, and binding, and the objection raised by the incoming Administrator was misconceived. Since the Market Committee was under supersession, the Administrator had full authority to execute the Settlement Deed without requiring approval under Section 14. Accordingly, the impugned order allowing the compromise and decreeing the suit was upheld, and the appeal was dismissed with no order as to costs.

6. SINDH HIGH COURT

Pakistan International Airlines v. Syed Ali Haider and others **High Court Appeal No. 51 of 2020**

Present: Mr. Justice Arshad Hussain Khan
Ms. Justice Amjad Ali Sahito

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA5ODExY2Ztcy1kYzgz>
2026 SHC KHI 811

Facts: The respondents, employees of Pakistan International Airlines Corporation (PIA) serving as cabin crew, were initially placed in Pay Group-IV. Through Administrative Order No.13/2013, their posts were upgraded to Pay Group-V, and individual promotion orders were issued and implemented with retrospective effect from 05.04.2013. Although the said order was temporarily suspended by the National Industrial Relations Commission, it was later revived after dismissal of proceedings in 2014. After about three years, PIA issued Administrative Order No.17/2016, unilaterally withdrawing the earlier order without providing notice or hearing to the respondents. Aggrieved, the respondents filed a suit, which was decreed in their favour by the learned Single Judge. The appellant (PIA) challenged the judgment through the present High Court Appeal.

Issue: Whether the withdrawal of the respondents' promotions through Administrative Order No.17/2016, without affording them an opportunity of hearing, was lawful, and whether the suit filed by the respondents for enforcement of their vested rights was maintainable?

Rule: The Court reaffirmed settled legal principles that vested rights, once accrued and acted upon, cannot be withdrawn arbitrarily. Any administrative action having adverse civil consequences must comply with the principles of natural justice,

particularly the rule of *audi alteram partem*, and must conform to Article 10-A of the Constitution, which guarantees the right to fair trial and due process. Furthermore, even in a master-servant relationship, the employer does not possess unfettered discretion and must act fairly, reasonably, and in accordance with law. It was also held that general administrative powers, including those under Section 20 of the General Clauses Act, cannot be exercised to defeat vested rights or bypass due process requirements.

Application: Applying these principles, the Court found that the respondents had been validly promoted in 2013 and had enjoyed the benefits for a considerable period, thereby acquiring vested rights and legitimate expectations. The subsequent withdrawal of these benefits after three years, without notice or hearing, constituted a clear violation of natural justice and Article 10-A of the Constitution. The Court further observed that individual promotion orders, having been implemented and attained finality, could not be nullified through a general administrative order. Additionally, the appellant failed to provide any lawful justification for the delay or the abrupt withdrawal. The argument that the employer could unilaterally alter service conditions under the master-servant doctrine was rejected, as such authority is subject to fairness and legality. The absence of statutory service rules further weakened the appellant's position, as it could not justify arbitrary action based on unstructured discretion.

Conclusion: The Court concluded that the withdrawal of promotions was unlawful, arbitrary, and in violation of constitutional and legal safeguards. It held that the respondents' suit was maintainable as it sought enforcement of vested rights. Consequently, the High Court dismissed the appeal and upheld the judgment of the learned Single Judge, maintaining the respondents' promotions and associated benefits.

7. SINDH HIGH COURT

Noor Kamal v. The State

Criminal Jail Appeal No. D-21 of 2025

Present: **Mr. Justice Jawad Akbar Sarwana**
Ms. Justice Syed Fiaz ul Hassan Shah

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA5NTY5Y2ZtcylkYzgZ>
2026 SHC HYD 724

Facts: The appellant, Noor Kamal, was convicted by the Special Judge for CNS Cases, Matiari, under Section 9(1)(c) of the Control of Narcotic Substances Act, 2022, and sentenced to fourteen years' imprisonment with a fine of Rs. 80,000. The prosecution alleged that on 03.08.2024, the appellant was apprehended by Excise Police near Bhit Shah Mori and found in possession of 5000 grams of charas

contained in a shopper. The prosecution examined two witnesses, including the complainant/Investigating Officer, and produced documentary evidence such as the recovery memo and chemical report. The appellant denied the allegations and did not lead defense evidence. The trial court convicted him, which he challenged before the High Court.

Issue: Whether the prosecution successfully proved beyond reasonable doubt the safe custody, safe transmission, and identity of the recovered narcotics so as to sustain the conviction of the appellant under the CNS law?

Rule: In narcotics cases, the prosecution must establish an unbroken chain of custody by proving (i) lawful recovery and proper sealing of the case property, (ii) its safe custody in the Malkhana with proper entries in Register No. XIX, and (iii) its safe and documented transmission to the chemical laboratory through a valid road certificate. Any discrepancy in these elements creates doubt. Additionally, under the doctrine of benefit of doubt, even a single reasonable doubt in the prosecution's case entitles the accused to acquittal as of right. These principles are consistently upheld in precedents of the Supreme Court of Pakistan and are rooted in Article 117 of the Qanun-e-Shahadat Order, 1984.

Application: In the present case, the High Court found multiple material contradictions and procedural lapses that undermined the prosecution's case. Firstly, there was a discrepancy in the timing of the occurrence between the FIR (02:00 p.m.) and the charge (02:00 a.m.), which could not be treated as a minor error. Secondly, the description of the case property was inconsistent: the recovery memo and chemical report mentioned 10 pieces of charas, whereas the complainant deposed that 13 pieces were produced in court, thereby casting doubt on the identity of the recovered substance. Thirdly, the prosecution failed to prove safe custody as the Malkhana register (Register No. XIX) was produced as a self-prepared, unattested handwritten copy without original entries or signatures, violating evidentiary requirements. Moreover, the Malkhana Incharge was not examined. Fourthly, the safe transmission of the case property was doubtful since the courier who transported it was not examined, no road certificate was produced, and there was inconsistency regarding the number of seals (three claimed versus one found by the chemical examiner). Additionally, evidence suggested that the property might have been re-sealed at the laboratory, raising serious concerns about tampering. These defects collectively broke the chain of custody and created reasonable doubt about whether the recovered substance was the same as analyzed and produced before the court.

Conclusion: The High Court concluded that the prosecution failed to prove its case beyond reasonable doubt due to material contradictions and failure to establish safe custody and transmission of the narcotics. Applying the settled principle of benefit of doubt,

the Court allowed the appeal, set aside the conviction and sentence, and acquitted the appellant, directing his release forthwith if not required in any other case.

8. SINDH HIGH COURT

M/s. Sofia Orient Security Services (Pvt) Limited v. Mst Shehla and others Second Appeal No. 92 of 2021

Present: Mr. Justice Muhammad Faisal Kamal Alam

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA5ODYzY2Ztcy1kYzgz>
2026 SHC KHI 812

Facts: The Appellant filed a Suit for Specific Performance against Respondent No.1 (Mst. Shehla Israr) regarding an office premises situated at Gulshan-e-Iqbal, Karachi. The Appellant claimed that initially he was a tenant of the subject property but later entered into a sale agreement dated 16.08.2005 and paid consideration, including an amount of Rs.20,000/- allegedly paid in 2008. The Respondent denied the entire transaction, alleging that the agreement and receipt were forged. The Trial Court dismissed the suit, holding it to be time-barred and unproven on merits, and the Appellate Court upheld the findings. Hence, the present Second Appeal was filed.

Issue: Whether the Appellant's suit for specific performance was within limitation and whether the alleged sale agreement was validly proved in accordance with law. Additionally, it was to be determined whether Section 53-A of the Transfer of Property Act could be invoked in favor of the Appellant?

Rule: Under Article 113 of the Limitation Act, 1908, a suit for specific performance must be filed within three years from the date fixed for performance or from the date when refusal is known. Furthermore, Section 53-A of the Transfer of Property Act can only be used as a shield (defensive right) and not as a sword (to claim ownership), and it applies only where possession is delivered in pursuance of a bona fide sale agreement. It is also a settled principle that disputed agreements must be proved through reliable evidence, including examination of attesting witnesses.

Application: In applying the law, the Court found that even according to the Appellant's own pleadings, the last payment was made in 2008 and thereafter the Respondent remained silent, which constituted implied refusal. The suit was filed in 2015, well beyond the three-year limitation period, and no intervening event was shown to extend limitation or create a continuing cause of action. On merits, the Appellant failed to prove the sale agreement, as one attesting witness could not confirm essential aspects of execution, and the second marginal witness was not examined in time, which proved fatal. In contrast, the Respondent's witness consistently denied

the agreement and explained the payment as rent arrears. The Court further held that Section 53-A was not applicable because the Appellant was already in possession as a tenant, not in pursuance of the alleged agreement, and thus could not use it to claim ownership rights.

Conclusion: The Court concluded that the suit was barred by limitation and the alleged sale agreement was not proved in accordance with law. Both the Trial Court and Appellate Court had correctly appreciated the evidence and applied the relevant legal principles. Consequently, the Second Appeal was dismissed along with all pending applications.

9. SINDH HIGH COURT

Adeel Mohammad Ahmed through Aftab Ahmed Soomro v. Public at Large Miscellaneous Appeal No.212 of 2024

Present: Mr. Justice Muhammad Faisal Kamal Alam

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA5NTE5Y2Ztcy1kYzgZ>
2026 SHC KHI 711

Facts: The Appellant filed an appeal against the order dated 19.11.2024 passed in SMA No.240 of 2024, whereby the learned Trial Court granted a Letter of Administration in respect of the estate of deceased Mst. Sultana Begum but declined the request for relinquishment of shares in favour of the Appellant. The matter remained non-contentious throughout, and despite publication in newspapers, no objections were raised. The deceased Maqbool Ahmed, father of the Appellant, had owned several immovable properties in DHA Karachi, which after his death were transferred to his legal heirs. Upon the subsequent death of Mst. Sultana Begum, her share devolved upon her legal heirs, many of whom executed notarized affidavits of no objection, relinquishing their respective shares in favour of the Appellant. These legal heirs, mostly residing abroad, were also examined through video link by the Trial Court to verify the authenticity of their affidavits. However, the Trial Court refused to give effect to such relinquishment on the ground that the supporting judgments cited were unreported and that the request fell outside the scope of succession proceedings.

Issue: Whether the Trial Court was justified in refusing to consider unreported judicial precedents and in holding that the relinquishment of shares by legal heirs, based on affidavits of no objection, was beyond the scope of succession (SMA) proceedings?

Rule: It is a settled principle of law that judicial precedents, whether reported or unreported, carry equal weight and authority provided they are relevant to the matter in controversy and their authenticity can be verified from court records.

Furthermore, in non-contentious succession matters, particularly those involving inheritance under Islamic law, courts are required to adopt a pragmatic and facilitative approach. Relinquishment of shares by legal heirs may be recognized in such proceedings, especially where consent is clearly established through valid documentation such as affidavits or deeds, duly verified through legally acceptable means, including notarization and attestation or examination via video link.

Application In the present case, the High Court observed that the Trial Court erred in disregarding unreported judgments, as their evidentiary value is not diminished merely due to non-reporting. The Court also found the reasoning that relinquishment was beyond the scope of SMA proceedings to be misconceived, as such matters can indeed be considered in appropriate circumstances. The Court noted that the legal heirs had voluntarily executed affidavits relinquishing their shares and had further verified the same through video link examination, thereby ensuring authenticity. Given that the matter was non-contentious and involved overseas Pakistanis, the Court emphasized the need for a practical approach. It provided two procedural options for formalizing relinquishment: either through duly attested relinquishment deeds via Pakistan Mission abroad or, alternatively, through notarized deeds with stated reasons for non-attestation, especially where video link verification had already been conducted.

Conclusion: The High Court partly allowed the appeal, setting aside the impugned order to the extent that it failed to consider unreported precedents and rejected the relinquishment request. It held that such relinquishment could validly be recognized within succession proceedings under the given circumstances. However, the grant of Letter of Administration was maintained. The Court directed that appropriate procedures be followed for formalizing relinquishment and ordered that a copy of the decision be sent to the concerned Judicial Officer.

10. SINDH HIGH COURT

Mohsin Ghaiyur Haider v. Sardar Saghiruddin Khan
Civil Revision Application No.98 of 2025

Present: Justice Ms. Sana Akram Minhas

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzEwMjMxY2Ztcy1kYzgz>
2026 SHC KHI 822

Facts: The Applicant filed a Revision Application challenging an order dated 11.07.2025 passed by the learned District Judge Karachi (East), who had dismissed a transfer application concerning Rent Case No.375 of 2024. Subsequently, through order dated 31.10.2025, the High Court allowed the revision and directed transfer of the

rent case to the Court of the 1st Senior Civil Judge & Rent Controller Karachi (East) to ensure fairness, despite finding the allegations unsubstantiated. Later, the Applicant filed a Contempt Application alleging wilful disobedience of the said transfer order, claiming that the Respondent proceeded with the case before the 7th Senior Civil Judge & Rent Controller instead. The Respondent countered that the case was initially transferred in compliance, but due to administrative changes and establishment of Model Civil Courts via notification dated 05.11.2025, the matter was reassigned to another court. The Applicant also alleged contempt on the basis that the Respondent withdrew a transfer application in connected suits, resulting in dismissal of the Applicant's suit for non-prosecution.

Issue: Whether the Respondent committed wilful and deliberate disobedience of the High Court's transfer order dated 31.10.2025, thereby constituting contempt of court?

Rule: Contempt of court requires clear, wilful, and deliberate disobedience of a specific and unambiguous court order. Where compliance depends on administrative or judicial authorities beyond the control of the alleged contemner, or where no explicit obligation is imposed on a party, contempt cannot be established. Additionally, parties are independently responsible for prosecuting their own cases unless a legal duty is expressly imposed on the opposing party.

Application The Court examined the transfer order and found that it merely directed transfer of the rent case to a specified court but did not impose any obligation on the Respondent regarding listing or ensuring fixation of the case before a particular forum. The subsequent transfer to another court occurred due to administrative restructuring under a formal notification, which falls within the domain of judicial administration and not under the control of the Respondent. Therefore, no wilful disobedience could be attributed. Regarding the second allegation, the Court noted that the transfer order only granted liberty to both parties to seek transfer of connected suits and did not obligate the Respondent to pursue such applications. The withdrawal of the Respondent's application did not prevent the Applicant from independently pursuing remedies or prosecuting his own suit. The dismissal of the Applicant's suit for non-prosecution was due to his own failure to diligently pursue the case, not due to any act of the Respondent.

Conclusion: The Court held that no element of wilful or deliberate disobedience was established against the Respondent. The allegations of contempt were found to be without merit, and the Contempt Application was dismissed with costs of Rs.10,000/- to be deposited with the High Court Clinic within fifteen days.

11. SINDH HIGH COURT

National Tiles and Cramics limited v. Sui Southern Gas Company Limited Miscellaneous Appeal No.6 of 2026

Present: Justice Ms.Sana Akram Minhas

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzEwMjI5Y2Ztcy1kYzgZ>
2026 SHC KHI 820 2026 SHC KHI 821

Facts: The Appellant, National Tiles & Ceramics Ltd, was the judgment debtor in a summary suit filed by Sui Southern Gas Company Limited (SSGC) for recovery of approximately Rs. 80 million, which was decreed in favour of SSGC after dismissal of leave to defend on 29.05.2021. The Appellant filed Miscellaneous Appeal No.54/2022, during which the High Court allowed restoration of gas supply subject to furnishing surety, leading to deposit of original title documents of an immovable property (the attached plot) with the Nazir. Despite subsequent directions for restoration of gas supply, disputes arose regarding compliance, including a contempt application that was not entertained. Eventually, the appeal was dismissed on 25.08.2023. During execution proceedings, the Gas Utility Court issued a reference dated 15.12.2025 requesting the High Court to auction the attached property. The Appellant challenged this reference through the present Miscellaneous Appeal under Section 13 of the Gas (Theft Control and Recovery) Act, 2016, alleging that auction without restoration of gas supply violated prior High Court orders.

Issue: Whether a reference made by the Gas Utility Court to the High Court for auction of attached property constitutes a “judgment, decree, sentence or final order” under Section 13(1) of the Gas (Theft Control and Recovery) Act, 2016, so as to be appealable, and whether grievances relating to non-restoration of gas supply or attachment of property can be agitated through such an appeal?

Rule: Under Section 13(1) of the Gas (Theft Control and Recovery) Act, 2016, an appeal lies only against a “judgment, decree, sentence or final order” passed by a Gas Utility Court. Matters relating to execution proceedings, enforcement of prior High Court orders, or alleged contempt must be pursued through appropriate remedies within the same proceedings or before the executing court. Additionally, collateral challenges to execution orders are not maintainable where specific statutory remedies exist, and issues already decided or concluded cannot be reopened indirectly through fresh appellate proceedings.

Application The Court held that the impugned reference was not a final order but merely a procedural step taken by the executing court to facilitate auction through the High Court machinery, and therefore did not fall within the scope of Section 13(1). The Appellant’s primary grievance regarding non-restoration of gas supply pertained to

alleged non-compliance with earlier High Court orders passed in a dismissed appeal, which could not be reagitated through a new appeal. The record further showed that a contempt application on the same issue had already been considered and effectively declined, as the Court found no prima facie disobedience due to non-payment of dues by the Appellant. The attempt to challenge the attachment order during arguments was also rejected as it had neither been pleaded nor properly impugned, and in any case, such objections should have been raised before the executing court. The Court also noted questionable conduct by the Appellant in issuing an NOC for sale of the same property whose title documents were deposited with the High Court, reflecting lack of bona fides. Overall, the appeal was found to be a misdirected and dilatory attempt to obstruct execution of a lawful decree.

Conclusion: The Court concluded that the appeal was not maintainable under Section 13(1) of the Gas Act, 2016, as the impugned reference did not constitute an appealable order. The grievances raised by the Appellant were either already adjudicated, improperly presented, or required to be pursued through other legal remedies. Consequently, the appeal was dismissed with costs of Rs. 50,000, holding it to be an abuse of process and a tactic to delay execution proceedings.

12. SINDH HIGH COURT

Mst Rani Khatoon v. Province of Sindh and others

Constitution Petition No. D-202 of 2026

Present: **Mr. Justice Muhammad Saleem Jessar**
Mr. Justice Nisar Ahmed Bhanbhro

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA5MTIzY2Ztcv1kYzgz>
2026 SHC KHI 701

Facts: The petitioner, Mst. Rani Khatoon, filed a constitutional petition before the High Court of Sindh seeking recovery of her brother Shahmeer, who was allegedly abducted by unknown persons from her home during the night of 14th and 15th January 2026 within the jurisdiction of Police Station Sachal, District Malir. The petitioner promptly approached police authorities and also filed the present habeas corpus petition on 15.01.2026. During proceedings, the SHO disclosed that Shahmeer had been killed in a police encounter on 17.01.2026 within the jurisdiction of Police Station Shah Latif, and an FIR (No. 97/2026) was registered regarding the encounter. The petitioner alleged that the encounter was staged and amounted to custodial killing, whereas the State contended that the deceased was a habitual offender involved in multiple criminal cases and the encounter was genuine.

Issue: Whether the death of the petitioner’s brother in a police encounter, after his alleged prior abduction, constituted a case of custodial killing requiring independent investigation under the Torture and Custodial Death (Prevention and Punishment) Act, 2022, and whether the police investigation was sufficient or liable to be transferred to an independent authority?

Rule: The Court relied upon Article 14 of the Constitution of Pakistan, which guarantees the dignity of man and prohibits torture. It further applied the provisions of the Torture and Custodial Death (Prevention and Punishment) Act, 2022, particularly Sections 5, 7, and 13. Section 5 vests exclusive jurisdiction in the Federal Investigation Agency (FIA) to investigate cases involving custodial torture and death, overriding other laws. Section 7 mandates suspension or transfer of accused public officials upon prima facie evidence, and Section 13 requires completion of investigation within thirty days. The legislative intent is to ensure impartial investigation, especially where police officials themselves are implicated.

Application: The Court observed that the sequence of events raised serious doubts about the genuineness of the police encounter. The petitioner had reported the abduction and filed the petition prior to the alleged encounter, which prima facie supported her claim that the deceased was already in custody before being killed. The failure of police authorities to conduct an independent inquiry and the proposal to dispose of the FIR due to lack of evidence further weakened the State’s position. The Court emphasized that even if the deceased had a criminal background, it did not justify extrajudicial killing. Such actions violate constitutional protections and undermine the rule of law. Given the suspicious circumstances and statutory mandate, the Court found that the matter required independent investigation by the FIA to ensure transparency and fairness.

Conclusion: The Court disposed of the petition by directing that the investigation of FIR No. 97/2026 be transferred to the Director, FIA, Karachi, for an independent and impartial inquiry in accordance with the 2022 Act. The FIA was instructed to complete the investigation within the statutory period and submit its report to the competent court. The judgment reaffirmed that custodial killings are impermissible regardless of the victim’s criminal history and must be thoroughly investigated to uphold constitutional guarantees and public confidence in the justice system.

13. SINDH HIGH COURT

Abid Shah v. Muhammad Ramzan

Constitutional Petition No. D-5428 of 2025

Present: **Mr. Justice Muhammad Saleem Jessar**
Mr. Justice Nisar Ahmed Bhanbhro

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA5NDI1Y2Ztcy1kYzgZ>
2026 SHC KHI 708

Facts: The petitioner, Abid Shah, challenged the legality of FIR No. 33/2025 registered by the FIA under Sections 8 and 9 of the Torture and Custodial Death (Prevention and Punishment) Act, 2022. The matter originated from FIR No. 443/2025 lodged at PS Saddar, Karachi under Sections 319/34 PPC concerning the custodial death of Muhammad Irfan. Upon arrest and production before the trial court, the Magistrate directed transfer of investigation to the FIA under Section 5 of the Act, 2022. Subsequently, the FIA registered a second FIR regarding the same incident. The petitioner contended that registration of this second FIR was illegal and contrary to established law, particularly the principle against multiple FIRs for the same occurrence.

Issues: Whether the FIA was legally competent to register a second FIR under the Torture and Custodial Death (Prevention and Punishment) Act, 2022 after the initial FIR had already been registered by the local police for the same incident, and whether such second FIR was sustainable in law?

Rule: The Court relied on the principle that only one FIR can be registered for a single occurrence, as laid down by the Supreme Court in *Mst. Sughran Bibi v. The State* (PLD 2018 SC 595). It further interpreted Section 5 of the Act, 2022, which grants exclusive jurisdiction to the FIA only for investigation—not for registration of FIRs. The Act does not designate the FIA as a police station for FIR registration, nor is the Act included in the schedule of the FIA Act, 1974. Additionally, Rule 25.7 of the Police Rules, 1934 applies only to territorial transfer of FIRs between police stations and does not justify registration of a fresh FIR for the same incident.

Application: Applying these principles, the Court found that FIR No. 443/2025 had already been validly registered by the local police regarding the custodial death. The trial court's direction was limited to transferring investigation to the FIA and did not authorize registration of a new FIR. The FIA, therefore, exceeded its jurisdiction by registering FIR No. 33/2025. The Court also held that any deficiencies or omissions in the original FIR could be addressed during investigation, including addition of relevant penal provisions. The argument that the second FIR was necessary due to incomplete facts in the first FIR was rejected, as investigation serves to uncover the complete truth. Furthermore, Rule 25.7 was deemed inapplicable since the case did not involve territorial jurisdictional transfer between police stations.

Conclusion: The Court concluded that the second FIR registered by the FIA was illegal, without lawful authority, and in violation of established legal principles. Accordingly, FIR No. 33/2025 was quashed. However, the FIA was directed to proceed with the

investigation of the original FIR No. 443/2025 in accordance with the law and submit its report before the trial court within the prescribed timeframe.

14. SINDH HIGH COURT

M/s. Shakarganj Limited and another v. Special Judge Central-I Karachi Constitutional Petition No. D-130 of 2026

Present: Mr. Justice Muhammad Saleem Jessar
Mr. Justice Nisar Ahmed Bhanbhro

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA5MTgzY2Ztcy1kYzgZ>
2026 SHC KHI 702

Facts: The petitioners, M/s. Shakarganj Limited and its Deputy Chief Executive, challenged the order of the Special Judge (Central-I), Karachi, dated 06.01.2026, whereby the court directed the Federal Investigation Agency (FIA) to register an FIR and initiate investigation on a complaint filed by Respondent No.5. The dispute arose from allegations of fraud, forgery, and unlawful transfer of approximately 20 million shares of a company, allegedly causing financial loss to the complainant. Prior to this, an inquiry had already been conducted by FIA, which resulted in a supplementary confidential final report recommending closure. The petitioners contended that the Special Judge lacked jurisdiction to direct registration of FIR, especially after completion of inquiry, and that the matter pertained to company affairs falling under the jurisdiction of the Securities & Exchange Commission of Pakistan (SECP) under the Companies Act, 2017.

Issue: Whether the Special Judge (Central-I), Karachi, had lawful authority and jurisdiction to entertain an application under Section 22-A CrPC and direct the FIA to register an FIR in a matter relating to alleged corporate fraud, despite prior inquiry and availability of a specialized statutory mechanism under the Companies Act, 2017?

Rule: The Court held that powers under Sections 22 and 25 of the Code of Criminal Procedure, 1898, relating to Justice of Peace, are exclusively vested in Sessions Judges and Additional Sessions Judges or persons specifically notified by the Provincial Government. A Special Court established under special statutes, such as the Prevention of Corruption Act, 1947, does not inherently possess such powers unless expressly conferred. Furthermore, where a special law—like the Companies Act, 2017—provides a complete mechanism for addressing grievances relating to company affairs, including investigation by SECP under Sections 256 and 257 and prosecution under Section 263, such law overrides general criminal procedure. The principle is that special law prevails over general law, and jurisdiction must be exercised strictly within statutory limits.

Application: Applying these principles, the Court found that the Special Judge (Central-I) was neither a Sessions Judge nor an authorized Justice of Peace under Sections 22 or 25 CrPC; therefore, it lacked jurisdiction to entertain the application or direct registration of FIR. The impugned order was thus coram non iudice (without lawful authority). Additionally, the allegations of fraud, share manipulation, and corporate misconduct pertained directly to the internal affairs of a company, which fall within the exclusive domain of SECP under the Companies Act, 2017. The complainant had an adequate statutory remedy to approach SECP, which is empowered to investigate such matters and, if necessary, refer them for criminal prosecution. The Court further observed that although allegations of money laundering could invoke FIA's jurisdiction, such proceedings would be consequential and dependent upon prior determination of corporate fraud by SECP. Hence, the complainant had pursued an incorrect forum by invoking Section 22-A CrPC before an incompetent court.

Conclusion: The High Court concluded that the impugned order directing registration of FIR was illegal, without jurisdiction, and void ab initio. Consequently, the petition was allowed, and the order dated 06.01.2026 was set aside. The Court held that the proper course for Respondent No.5 was to file a complaint before SECP, which should decide the matter in accordance with law within a specified time. If any criminal liability is established, appropriate legal proceedings may follow thereafter.

15. SINDH HIGH COURT

Dr Kashif Bin Zaheer and another v. Federation of Pakistan and others Constitutional Petition No. D-5674 of 2025

Present: **Mr. Justice Adnan-ul-Karim Memon**
Mr. Justice Zulifqar Ali Sangi

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA5NzQzY2Ztcy1kYzgz>
2026 SHC KHI 798

Facts: The petitioners, a husband and wife serving as Assistant Professors (BPS-19), were granted study leave, NOCs, and financial assistance under the Faculty Development Program (FDP) by their University to pursue PhD degrees from Universiti Teknologi Malaysia (UTM). They completed their PhDs in 2018 and 2020, respectively, after duly approved extensions and resumed their duties. Several years later, the respondents initiated recovery proceedings on the ground that the petitioners had failed to submit NTS/GAT results, allegedly required under the FDP scholarship. Consequently, substantial recoveries along with a 25% penalty were imposed, leading to heavy salary deductions. The petitioners challenged these actions as arbitrary, unlawful, and violative of their fundamental rights, particularly

due to lack of due process, retrospective enforcement of conditions, and discriminatory denial of benefits.

Issue: Whether the recovery of FDP scholarship amounts along with penalty, initiated after completion of PhDs on the basis of non-submission of NTS/GAT results, is lawful, justified, and in accordance with constitutional guarantees of due process and fundamental rights?

Rule: Under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the High Court has jurisdiction to interfere where actions of a public authority are arbitrary, without lawful authority, or violative of fundamental rights. It is a settled principle that conditions not enforced at the relevant time cannot be retrospectively applied to the detriment of individuals. The doctrine of estoppel prevents a party from taking a position contrary to its earlier conduct. Furthermore, administrative actions must conform to principles of natural justice, including fair hearing and reasoned decisions, as guaranteed under Article 10-A of the Constitution. The principle of proportionality also requires that penalties and recoveries must not be excessive or unreasonable.

Application: In the present case, the Court observed that the respondents had granted study leave, financial assistance, and continuous facilitation to the petitioners without enforcing the requirement of NTS/GAT at the relevant time. The petitioners completed their PhDs with the respondents' full knowledge and approval. Therefore, the subsequent attempt to impose this requirement retrospectively and initiate recovery proceedings amounted to arbitrary exercise of authority. The Court further noted that the recovery proceedings were initiated after an inordinate delay and without a transparent, reasoned, and final adjudication, thereby violating principles of natural justice and due process. The imposition of a 25% penalty and excessive salary deductions (ranging from 65% to 79%) were found to be disproportionate and unreasonable. Additionally, the Court rejected the respondents' objections regarding maintainability, holding that constitutional jurisdiction is maintainable where actions of a public authority are arbitrary or infringe fundamental rights, even in contractual matters.

Conclusion: The Court concluded that the impugned recovery proceedings were illegal, arbitrary, and without lawful authority, as they violated principles of estoppel, natural justice, due process, and proportionality. Accordingly, the impugned letters were set aside to the extent of recovery and penalty. The respondents were directed to cease further deductions, refund or adjust the amounts already recovered, and consider the petitioners' claims for PhD allowance and annual increments in accordance with law, while ensuring that any future determination of liability must be made through a fair, transparent, and reasoned process.

16. SINDH HIGH COURT

Ahmed Shahid v. Regional Director (ANF) and others Constitutional Petition No. D-945 of 2026

Present: Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA5NTk3Y2Ztcv1kYzgZ>
2026 SHC KHI 734

Facts: The petitioner, Ahmed Shahid, filed a constitutional petition under Article 199 of the Constitution challenging the placement of his name on the Exit Control List (ECL) and Passport Control List (PCL) on 28.11.2025. The placement was made during the investigation of FIR No. 46/2025 registered under the Control of Narcotic Substances Act, alleging recovery of narcotic tablets concealed in a consignment of fabric rolls. The petitioner contended that he is a registered taxpayer and businessman, falsely implicated, and had voluntarily surrendered before the Court, obtained protective and pre-arrest bail, and regularly appeared before the trial court after submission of challan. He argued that his name was placed on ECL/PCL without notice, hearing, or lawful justification, violating statutory provisions and fundamental rights. The respondents maintained that the placement was lawful under the Passport Rules, 2021, based on ANF recommendations.

Issue: Whether the placement of the petitioner's name on the ECL and PCL during the investigation, without notice, hearing, or assignment of reasons, and despite completion of investigation and submission of challan, is lawful and justified under the relevant laws and the Constitution?

Rule: The Court observed that under Section 2 of the Exit from Pakistan (Control) Ordinance, 1981, and Rule 2 of the Exit from Pakistan Rules, 2010, a person's name can be placed on the ECL only if it falls within specified categories and through a lawful, reasoned order. Similarly, Rule 22(2)(b) of the Passport Rules, 2021 allows regulation of passport facilities but mandates that such powers must be exercised reasonably and with due process. The Court reaffirmed that the right to travel abroad is a fundamental right protected under Articles 4, 9, 10-A, and 15 of the Constitution and cannot be curtailed arbitrarily. Judicial precedents establish that mere involvement in a criminal case or pendency of trial is insufficient to justify placement on ECL unless there are compelling reasons such as likelihood of absconding or threat to national interest.

Application: Applying these principles, the Court found that the petitioner's name was placed on ECL/PCL during the investigation without issuing any show-cause notice, affording

opportunity of hearing, or passing a speaking order, thereby violating due process requirements. It was further noted that the investigation had been completed, challan submitted, and the petitioner was on pre-arrest bail and regularly appearing before the trial court. The respondents failed to demonstrate that the petitioner's case fell within any category specified under Rule 2 of the 2010 Rules or that there existed exceptional circumstances such as risk of abscondence. The Court held that mere involvement in a narcotics case does not justify restriction on the fundamental right to travel. It further emphasized that once the matter is pending before the trial court, regulation of travel should fall within the jurisdiction of the trial court, which can impose appropriate conditions such as surety or undertaking.

Conclusion: The Court concluded that the placement of the petitioner's name on the ECL and PCL was arbitrary, without lawful authority, and in violation of constitutional guarantees and statutory requirements. Accordingly, the impugned order dated 28.11.2025 was set aside, and the respondents were directed to remove the petitioner's name from all travel restriction lists forthwith and return his passport, subject to any conditions imposed by the trial court.

17. SINDH HIGH COURT

M/s. Farwa Exports v. Farman Khan & another Constitutional Petition No. D-68 of 2025

Present: Mr. Justice Adnan-ul-Karim Memon
Mr. Zulifqar Ali Sangi

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA5NmMxY2Ztcv1kYzgZ>
2026 SHC KHI 750

Facts: The petitioner, M/s Marva Exports, filed a constitutional petition under Article 199 of the Constitution challenging the judgment of the Sindh Labour Appellate Tribunal, which had set aside the Labour Court's decision and awarded Rs. 250,000/- as compensation to Respondent No.1. The respondent had claimed before the Labour Court that he was employed as a flat-lock machine operator for four years and was illegally terminated without notice, and that the petitioner failed to provide employment documents or register him with EOBI and SESSI. The petitioner denied the existence of any employer-employee relationship. The Labour Court, after evaluating evidence, dismissed the claim due to lack of proof. However, the Tribunal reversed the findings, presumed employment based on non-reply to grievance notice and non-production of records, and awarded compensation in lieu of reinstatement. Aggrieved, the petitioner challenged the Tribunal's decision before the High Court.

Issue: Whether the Sindh Labour Appellate Tribunal was justified in reversing the Labour

Court's findings and awarding compensation to the respondent despite failure to prove the existence of an employer-employee relationship, and whether adverse inference and presumption could be drawn without discharge of the initial burden of proof?

Rule: It is a settled principle of law that the burden to prove the existence of an employer-employee relationship lies upon the claimant asserting such relationship. Primary evidence such as appointment letters, wage slips, attendance records, or corroborative testimony is required to discharge this burden. Adverse inference under Article 129(g) of the Qanun-e-Shahadat Order, 1984 can only be drawn after the initial burden of proof has been discharged. Furthermore, silence or non-reply to a grievance notice cannot be treated as an admission unless it is clear, unequivocal, and conscious. Additionally, compensation under the Sindh Industrial Relations Act, 2013 presupposes the existence of a valid employment relationship. Appellate forums cannot disturb findings of fact recorded by trial courts unless such findings are perverse, arbitrary, or based on misreading or non-reading of evidence.

Application: In the present case, the High Court observed that Respondent No.1 failed to produce any credible or documentary evidence to establish the employer-employee relationship with the petitioner. The Labour Court had correctly appreciated the evidence and dismissed the claim on merits. However, the Tribunal erred in law by shifting the burden of proof onto the petitioner without the respondent first discharging his initial burden. The Tribunal's reliance on non-reply to the grievance notice as an admission was held to be legally flawed, as silence alone does not constitute proof of employment. Similarly, the invocation of adverse inference under Article 129(g) was premature and unjustified in the absence of foundational proof. The High Court further noted that the Tribunal overlooked material contradictions in the respondent's case and failed to justify interference with the Labour Court's well-reasoned findings. Consequently, the award of compensation without establishing the existence of employment was held to be without jurisdiction and based on misapplication of law.

Conclusion: The High Court concluded that the impugned judgment of the Sindh Labour Appellate Tribunal suffered from legal infirmities, misreading of evidence, and incorrect application of legal principles. It held that the respondent failed to prove the employer-employee relationship, which was a prerequisite for any relief under the law. Accordingly, the petition was allowed, the Tribunal's judgment was set aside, and the Labour Court's decision dismissing the respondent's claim was restored.

18. SINDH HIGH COURT

**Engro Elengy Terminal (Pvt) Limited v. Federation of Pakistan and Others
Constitution Petition No. 3592 of 2020**

Present: Mr. Justice Yousuf Ali Sayeed
Mr. Justice Muhammad Osman Ali Hadi

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA5MDE3Y2Ztcv1kYzgZ>
2026 SHC KHI 697

Facts: The Petitioner operates an LNG terminal in Pakistan using a Floating Storage and Regasification Unit (FSRU) chartered for 15 years from Excelerate Energy Development DMCC (UAE) under a Time Charter Party Agreement (novated in 2015). The FSRU was imported and used for regasification of LNG/RLNG. For tax year 2016, the Petitioner claimed exemption from advance tax under section 148 of the Income Tax Ordinance 2001 (ITO 2001) on the basis of: Economic Coordination Committee (ECC) incentives for LNG terminals (FSRU treated as plant/machinery). SRO 678(I)/2004 (exemptions on customs duty/sales tax for plant/machinery/equipment). SRO 337(I)/2015 (specifically including FSRU as plant/machinery for Floating LNG Terminals). SRO 947(I)/2008 (exempting certain importers from advance tax u/s 148). Clause 141, Part-I, Second Schedule, ITO 2001 (5-year income tax exemption for LNG terminal operators). Multiple exemption applications were rejected. A prior suit (Engro Elengy Terminal (Pvt) Ltd. v Federation of Pakistan, 2017 PTD 959 – “EETL Case”) resulted in a remand directing issuance of an exemption certificate. Subsequent re-applications were again rejected, culminating in the Order-in-Original (03.11.2017) and Order-in-Revision (24.07.2020), which upheld denial of the exemption. The Petitioner filed this constitutional petition challenging those orders.

Issue:

- (i). Whether the Petitioner is entitled to an exemption certificate under section 159 read with section 148 ITO 2001 from advance tax on the import of the FSRU?
- (ii). Whether the Petitioner qualifies under clause (v) and clause (viii) of SRO 947(I)/2008?
- (iii). Whether the Respondents’ sole ground for rejection — that the Petitioner is only a “charterer” and not the “owner” of the FSRU — is legally sustainable, especially when the Petitioner is the owner of the industrial undertaking (LNG terminal) and the importer for tax purposes?
- (iv). Whether the Respondents violated the EETL judgment, the statutory SROs, and the Petitioner’s fundamental rights (Articles 4, 18 & 25 of the Constitution)?

Rule: Section 148 ITO 2001: Advance tax collected on import of goods; treated as tax of the importer. Section 159 ITO 2001: Power to issue exemption certificates. SRO 947(I)/2008 (relevant clauses): Clause (v): Exemption for a person who imports plant/machinery/fixtures for setting up or installation of an industrial undertaking

owned by such person. Clause (viii): Exemption for Petroleum (E&P) companies covered under SRO 678(I)/2004 (except motor vehicles). SRO 678(I)/2004 (as amended by SRO 337(I)/2015): Exemptions for plant/machinery/equipment; FSRU expressly treated as plant/machinery of a Floating LNG Terminal. Clause 141, Part-I, Second Schedule, ITO 2001: 5-year income tax exemption for LNG terminal operators. Customs Act 1969, s.79(1): Importer filing Goods Declaration is deemed owner. EETL Case (2017 PTD 959): Recognized Petitioner as entitled to exemption; remanded for issuance of certificate.

Application: The Court held that the Respondents' reasoning was flawed and limited to a single point (non-ownership of the FSRU) while ignoring the clear statutory language: Under clause (v) of SRO 947, the requirement is ownership of the industrial undertaking, not ownership of every piece of equipment (leasing/chartering is permissible and common). The Petitioner is the importer and liable for tax u/s 148; it is also the owner of the LNG terminal (admittedly an industrial undertaking). The Petitioner is covered under clause (viii) as a Petroleum company per SRO 678 (as already settled in the EETL Case). Respondents failed to follow the EETL judgment, created extra-statutory conditions, and acted discriminatorily (similar undertakings were granted exemptions). This resulted in violation of fundamental rights and undermined the government's policy incentives for LNG infrastructure. The Court rejected the Respondents' narrow interpretation as "whims and surmises" and impermissible legislation by executive authorities.

Conclusion: The constitutional petition was allowed. The Impugned Order-in-Revision (24.07.2020) and Order-in-Original (03.11.2017) were set aside as being in derogation of law and violative of the Petitioner's fundamental rights. The matter was remanded to Respondents No. 3 & 4 (Chief Commissioner Inland Revenue and relevant authority) for fresh consideration of the exemption application under section 159 ITO 2001. They must: Strictly follow this judgment and the EETL Case. Grant the Petitioner a fair hearing and opportunity to submit documents. Decide expeditiously, preferably within 60 days. If still denying the exemption, pass a detailed, reasoned order explaining deviation from the law. The petition stands disposed of accordingly.