HIGH COURT OF SINDH

Case Law Review

Fortnightly Bench Update

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FORTNIGHTLY BENCH UPDATE

(16-02-2026 to 28-02-2026)

An Overview of Recent Judgments of the Federal Constitutional Court of Pakistan, Supreme Court of Pakistan, Islamabad High Court, Lahore High Court, Peshawar High Court and High Court of Sindh, Latest Legislative Amendments and Important Articles, Compiled and Published by the Legal Research Cell, High Court of Sindh, Karachi

NOTABLE JUDGMENTS

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16	High Court of Sindh	The primary issue was whether the application under Section 12(2) CPC is maintainable before the High Court, given that the High Court's judgment was affirmed by the Supreme Court. Specifically, whether the doctrine of merger applies, making the Supreme Court the final forum, or if the High Court remains the appropriate venue based on earlier precedents like Joydeb Agarwala v. Baitulmal Karkhana Ltd (PLD 1965 SC 37). Additionally, whether the Maharunisa judgment was per incuriam for not following Agarwala.	Civil Law	30

1. **THE SUPREME COURT OF PAKISTAN (Appellate Jurisdiction)**
C.P.L.A. No. 5626/2024
Muhammad Shahzad Versus Mst. Ayesha Noor & others

Present: Mr. Justice Yahya Afridi, CJ, Mr. Justice Shahid Bilal Hassan &
Mr. Justice Shakeel Ahmad

Source: https://www.supremecourt.gov.pk/downloads_judgements/c.p._5626_2024.pdf

Brief Facts: Respondent No.1 filed a suit for jactitation of marriage alleging that the petitioner, her paternal uncle and a married man, had sexually exploited her and falsely claimed that a valid Sharia Nikah was solemnized on 03.04.2020, which, in any case, fell within prohibited degree during the subsistence of his earlier marriage. The petitioner instituted a connected suit for restitution of conjugal rights on the basis of the alleged marriage. The Family Court decreed the suit for jactitation and dismissed the petitioner's suit for restitution of conjugal rights, which findings were upheld in appeal and constitutional jurisdiction, leading to the filing of the present petition before the Supreme Court seeking leave to appeal and reversal of the concurrent judgments.

Issue: Whether the petitioner proved a valid Sharia Nikah with respondent No.1 despite allegations that he, being her paternal uncle, had subjected her to sexual exploitation and thereafter falsely asserted marriage, and whether interference was warranted with concurrent findings under Article 185(3) of the Constitution.

Rule: The burden to prove a valid Nikah lies upon the party asserting it through legally admissible and confidence-inspiring evidence, and registration under Section 5 of the Muslim Family Laws Ordinance, 1961 carries evidentiary value. In jurisdiction under Article 185(3), the Supreme Court does not reappraise evidence unless findings are perverse or legally defective. With respect to maintenance of a biological child, reliance was placed on Muhammad Afzal v. Judge Family Court, etc. (2025 LHC 495), holding that once biological paternity is established, the father is under a legal obligation to maintain the child. Regarding imposition of costs, the Court relied on Zakir Mehmood v. Secretary, Ministry of Defence (D.P), Pakistan Secretariat, Rawalpindi and others *(*2023 SCMR 960), wherein it was held that courts must impose reasonable and exemplary costs to deter frivolous and vexatious litigation and prevent abuse of judicial process .

Analysis: The Family Court, Appellate Court, and High Court concurrently found that the alleged Nikah dated 03.04.2020 was not proved through reliable or legally admissible evidence and the Nikahnama was not established in accordance with law. The petitioner essentially sought reappraisal of evidence, which is impermissible in Article 185(3)

jurisdiction. The Court also emphasized constitutional protection of dignity and the paramount welfare of the minor child.

Conclusion: Leave to appeal was refused as no perversity or legal infirmity was shown . Exemplary costs of Rs.1,000,000/- were imposed to compensate the respondent and to deter misuse of judicial proceedings in line with the principle laid down in *Zakir Mehmood.* The judgment further affirms that once biological paternity is established, a child born outside wedlock is legally entitled to maintenance, and the father cannot evade responsibility, consistent with the principle recognized in *Muhammad Afzal.*

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2. **THE SUPREME COURT OF PAKISTAN (Appellate Jurisdiction)**
C.P.L.A.3744/2023
Agha Abid Majeed Khan Vs Idrees Ahmed and another

Present: **Mr. Justice Munib Akhtar & Mr. Justice Irfan Saadat Khan**

Source: https://www.supremecourt.gov.pk/downloads_judgements/c.p._3744_2023.pdf

Brief Facts: The petitioner, being judgment debtor of a money decree passed in a summary suit in favour of respondent No.1, faced an order by the executing Court directing blockage of his Computerized National Identity Card (CNIC) until furnishing surety for the decretal amount; his revision petition against this order was dismissed by the High Court of Sindh, which upheld the executing Court's discretion, whereafter the petitioner filed the present Civil Petition for Leave to Appeal before the Supreme Court challenging the legality of blocking his CNIC as a mode of execution .

Issue: Whether, in execution of a money decree, an executing Court has jurisdiction under Section 51 CPC to order blockage of the Computerized National Identity Card (CNIC) of a judgment debtor as a mode of execution.

Rule: Section 51 CPC provides specific modes of execution and, under clause (e), permits execution "in such other manner as the nature of the relief granted may require". However, this general power cannot be expanded beyond statutory limits or exercised in a manner disconnected from the nature of the decree . The Court also observed that the Peshawar High Court inserted Order XXI Rule 117 CPC in KPK expressly allowing blockage of CNIC, indicating that in absence of such express provision, no such power can be implied.

Analysis: The decree was a simple money decree. The executing Court ordered blockage of the petitioner's CNIC until furnishing surety, and the High Court declined interference. The Supreme Court held that while a robust approach to execution is permissible, it cannot be so excessive as to deprive a person of an essential aspect of living. The CNIC was described not as a luxury but as an essential requirement for carrying on normal life in contemporary society. The Court cautioned that if such an expansive interpretation of Section 51(e) were accepted, it could equally justify blocking utilities like electricity or water, which would be an impermissible extension of execution powers.

Conclusion: The petition was converted into an appeal and allowed, and the order directing blockage of the CNIC was set aside. The principle established is that execution powers must remain anchored to statutory authority and proportionate to the nature of the decree; deprivation of an essential civic identity document, in absence of express legal sanction, is beyond the permissible scope of Section 51 CPC.

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3 **HIGH COURT OF SINDH**
Criminal Accountability Appeal No.11 of 2012
Nazir Ahmed Soomro (deceased) & Waheed Murad Soomro v. The State (NAB)

Present: **Mr. Justice Muhammad Iqbal Kalhoro**
Mr. Justice Syed Fiaz Ul Hasan Shah

Source: https://caselaw.shc.gov.pk/caselaw/view-file/MzA1NTYxY2Ztcy1kYzgz

Facts: The appeal arose out of Reference No.07/2009 instituted by NAB under Section 9(a)(v) read with Section 10(a) of the National Accountability Ordinance, 1999 against Appellant No.1, a public servant serving as Superintending Engineer, for allegedly accumulating assets disproportionate to his known sources of income during 1985–2005. It was alleged that he acquired properties in his own name, in the names of his minor children, and in the name of his brother (Appellant No.2), who was treated as a benamidar. The trial Court convicted both appellants, sentenced them to ten years' rigorous imprisonment with fine of Rs.50 million each, ordered confiscation of various movable and immovable properties including bank accounts, and imposed disqualification under Section 15 NAO. The appellants challenged their conviction, sentence and confiscation before the High Court.

Issues: The principal issues were whether the prosecution had successfully established that Appellant No.1 possessed assets beyond his known lawful income within the meaning of Section 9(a)(v) NAO; whether properties standing in the name of Appellant No.2 were benami assets of Appellant No.1; whether business income and bank transactions of Appellant No.2 could lawfully be treated as proceeds of corruption; and whether

confiscation and valuation of properties were carried out in accordance with law, particularly in light of amendments introduced in NAO through the Amendment Acts of 2022 and 2023.

Rules: The Court reiterated that in cases of disproportionate assets under Section 9(a)(v) NAO, the prosecution must first prove that the accused was a public office holder, determine the nature and extent of assets possessed, ascertain his known sources of lawful income, and demonstrate disproportion. Once such prima facie case is established, the burden shifts to the accused to satisfactorily account for the assets. In this regard, reliance was placed upon principles laid down in Mst. Zahida Sattar v. Federation of Pakistan, Iqbal Ahmed Turabi v. The State and Ghani ur Rehman v. NAB. The Court further referred to Articles 117 and 129(g) of the Qanun-e-Shahadat Order, 1984 regarding burden of proof and presumptions. It was also held that mere disparity between bank credits and declared income may fall within the realm of tax evasion and not necessarily constitute corruption under NAO. Additionally, post-2022 amendments to Section 9(v) NAO require valuation of immovable property strictly in accordance with the statutory formula provided in Explanation I.

Analysis: Upon reappraisal of evidence, the Court corrected the salary assessment of Appellant No.1 and allowed certain lawful incomes, including verified prize bond winnings and limited income attributed to his spouse, but rejected claims relating to agricultural income, additional prize bond amounts and dowry due to lack of proof. After allowing reasonable deductions for household expenses, substantial unexplained assets still remained attributable to Appellant No.1. Consequently, confiscation of properties standing in his name and in the names of his minor children was upheld.Regarding Appellant No.2, the Court distinguished between two periods. For the period prior to 1994, when no independent business activity was established, properties acquired in his name were presumed to be benami for Appellant No.1, and confiscation was maintained. However, for the period after 1994, when Appellant No.2 established an independent business (Five Star Fish Meal), the prosecution failed to prove that the funds originated from Appellant No.1. The Court held that mere discrepancies between bank transactions and tax declarations did not automatically establish corruption and could at best attract proceedings under tax laws. Accordingly, post-1994 business assets were excluded from NAO confiscation.The Court further directed that valuation of properties must conform to the amended statutory mechanism under Section 9(v) NAO, and clarified that aggregate bank credits cannot be treated as “assets” unless linked to acquisition of a tangible asset.

Conclusion: The conviction was maintained; however, the sentence was modified to the period already undergone. Confiscation was partly upheld: properties in the name of Appellant No.1 and pre-1994 benami properties of Appellant No.2 were maintained, while post-1994 business assets of Appellant No.2 were excluded from NAO proceedings. The appeal was dismissed with modification in respect of sentence and confiscation, and NAB was directed to recover amounts strictly in accordance with the amended valuation framework.

4 **HIGH COURT OF SINDH**
Criminal Revision Application No.73 of 2016
Muslim Commercial Bank Ltd. v. Hussain Musa Lawai & others

Present: **Mr. Justice Muhammad Iqbal Kalhoro**
Mr. Justice Syed Fiaz Ul Hasan Shah

Source: https://caselaw.shc.gov.pk/caselaw/view-file/MzA2NDAxY2Ztcy1kYzgz

Facts: The applicant bank filed a criminal complaint before the Special Court (Offences in Banks), alleging that its former President issued two letters in favour of a borrower, purportedly relieving him of substantial repayment obligations without approval of the Board of Directors. These letters were later produced in a civil recovery suit filed by the bank. Treating the act as unauthorized and detrimental to its financial interests, the bank lodged a complaint under Sections 406 and 420 PPC for criminal breach of trust and cheating. The Special Court dismissed the complaint and acquitted the respondent under Section 249-A Cr.P.C., holding that the complaint was barred under Section 195(1)(c) Cr.P.C., that the complainant lacked proper authority, and that the Board resolution authorizing prosecution was vague. The bank challenged this order in revision.

Issues: The High Court considered whether the revision was maintainable in light of Section 10A of the Offences in Respect of Banks (Special Courts) Ordinance, 1984 (providing appeal against acquittal); whether Section 195(1)(c) Cr.P.C. barred the complaint since the letters had been produced in civil proceedings; whether the complainant had valid authority despite the retirement of the President who executed the Power of Attorney; and whether alleged defects in the Board resolution justified acquittal at a preliminary stage under Section 249-A Cr.P.C.

Rules: The Court examined Section 10A of the Ordinance, Section 195(1)(c) Cr.P.C., Sections 406 and 420 PPC, Sections 463 and 471 PPC, Section 249-A Cr.P.C., and Sections 194 and 196 of the Contract Act relating to delegation and ratification. Reliance was placed on 1983 SCMR 775, affirming the wide revisional jurisdiction of the High Court to ensure legality of subordinate court orders.

Analysis: The Court held the revision maintainable, observing that although the appeal provision (Section 10A) had been notified shortly before filing, the matter was instituted within limitation and could be treated as an appeal if necessary. Technicalities should not defeat substantive justice. Section 195(1)(c) Cr.P.C. was found inapplicable because the allegations related to unauthorized issuance of letters causing wrongful loss, not forgery of documents produced in court. The gravamen of the complaint was criminal breach of trust and cheating, not offences requiring a complaint by the court. Regarding authority, the Power of Attorney was executed by the President as a delegate of the Board, and such delegation survived his retirement unless revoked. The bank, by pursuing proceedings, had also ratified the complainant's actions. The Court emphasized that corporate entities act through natural persons and minor technical objections should not

obstruct prosecution. The Court further held that the alleged vagueness of the Board resolution did not justify acquittal under Section 249-A Cr.P.C., as the complaint could not be termed groundless at the threshold. The Special Court acted prematurely instead of allowing the matter to proceed to trial.

Conclusion: The High Court set aside the acquittal order dated 01.04.2016 and restored the complaint for trial in accordance with law, holding that the Special Court had erred in dismissing the case on technical grounds rather than examining it on merits.

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5. **HIGH COURT OF SINDH AT KARACHI**
Syed Farrukh Ghani v. Bank of Punjab & Others
HCA No. 51 of 2023

Present: **Mr. Justice Muhammad Faisal Kamal Alam**
Source: **https://caselaw.shc.gov.pk/caselaw/view-file/MzA2NTczY2Ztcy1kYzgz**
2026 SHC KHI 433

Facts: The appellant was a permanent resident of Karachi and was serving there at the relevant time as a senior bank officer. A show cause notice was issued to him from the Head Office of the Bank at Lahore, and the disciplinary inquiry was conducted from Lahore. However, he was given the option to attend the inquiry either physically at Lahore or through online proceedings from Karachi. Ultimately, the dismissal letter dated 15.03.2021 was communicated and served upon him at Karachi. The learned Single Bench returned the plaint on the ground that the appellant had "surrendered" before the Inquiry Committee at Lahore and, therefore, the courts at Lahore had territorial jurisdiction. The appellant challenged this finding before the Division Bench in HCA No.51 of 2023.

Issue: Whether the Courts at Karachi had territorial jurisdiction to entertain the service suit when the disciplinary proceedings were conducted from Lahore, but the appellant was posted in Karachi and the dismissal order was communicated to him at Karachi.

Rule: In service matters, territorial jurisdiction is determined on the basis of where the cause of action wholly or in part arises. A dismissal order becomes effective upon its communication to the employee. The place where the employee is posted and where the dismissal order is served can constitute a material part of the cause of action. Further, compliance with organizational or disciplinary directions does not amount to legal surrender of jurisdiction unless there is a clear and voluntary submission to a particular forum in the legal sense.

Application: Applying these principles, the Division Bench observed that although the show cause notice and inquiry proceedings originated from Lahore, the appellant was admittedly working and residing in Karachi. He was also given the option to attend the inquiry from Karachi through online mode. Most importantly, the dismissal letter was communicated and served upon him at Karachi. Since dismissal becomes operative upon

communication, the service of the dismissal letter at Karachi constituted a substantial and material part of the cause of action. The Court rejected the reasoning of the Single Bench that the appellant had "surrendered" to the jurisdiction of Lahore. It clarified that merely obeying employer directions during an inquiry does not amount to legal surrender. Surrender has a technical legal meaning, generally involving a conscious and voluntary submission to jurisdiction. An employee participating in disciplinary proceedings cannot be deemed to have waived his right to invoke jurisdiction where part of the cause of action arose. The Court also considered the practical hardship that would result if an unemployed individual were compelled to litigate in another city against a financially strong institution with nationwide operations. While not the sole basis, this consideration reinforced the conclusion.

Conclusion: The Division Bench held that part of the cause of action arose in Karachi because the appellant was posted there and the dismissal order was communicated there. Accordingly, the Courts at Karachi had territorial jurisdiction.

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6. **High Court of Sindh**
High Court Appeal No.72 of 1990
Mohamed Bana & Others v. The Province of Sindh & Others

Present: Mr. Justice Muhammad Faisal Kamal Alam & Miss. Justice Sana Akram Minhas
Source: https://caselaw.shc.gov.pk/caselaw/view-file/MzA2NjIxY2Ztcy1kYzgz

Facts: The original plaintiffs filed Suit No. 319/1971 seeking declaration of possessory title (Haq Qabza) and injunction over 1280 acres of unsurveyed agricultural land situated in Deh Lal Bakhar, Tapo Gabopat, Taluka Karachi. Two registered sale deeds dated 10.02.1958 and 08.07.1960 conveyed only 241-1 acres to Original Plaintiffs No. 2 and 9, based on the Parsi sellers' undivided shares of 10 annas and 6 annas. The deeds referred to specific survey numbers and reflected total sale consideration of Rs. 28,002. Years later, on 28.12.1964, the plaintiffs applied before revenue authorities to expand the recorded area from 241-1 acres to 1280 acres, claiming entitlement to an additional 1038-39 acres. This expanded claim was based primarily on a Compromise Decree dated 04.02.1963 passed in a separate suit against a tenant, Kaderbux. Revenue proceedings followed. Ultimately, the Full Board of Revenue set aside the enlargement and restored the area to approximately 234-11 acres, consistent with earlier survey records. The Single Judge dismissed the civil suit in 1989, leaving liberty only in respect of the sale deed area. The plaintiffs did not pursue that limited remedy and instead continued to press the 1280-acre claim. In appeal, the appellants argued that the compromise decree and notices issued under the Land Acquisition Act, 1894 validated their title to the entire 1280 acres. The High Court, however, found serious discrepancies in documentary evidence, including two inconsistent versions of a Mukhtiarkar report, suspicious pre-Partition conveyances on Pakistan stamp papers, and material variations in a receipt

allegedly issued by the tenant. The plaint of the 1962 compromise suit was missing from record.

Issue: Whether the plaintiffs, assuming rights under the two registered sale deeds covering 241-1 acres, could lawfully claim an additional 1038-39 acres (total 1280 acres) on the basis of a private compromise decree and possessory assertions, despite absence of any lawful transfer instrument or revenue record supporting such excess area.

Rule: A party claiming title to immovable property must establish lawful transfer through a valid instrument. Rights cannot exceed those conveyed under a registered sale deed. A compromise decree between private parties cannot create or transfer title against the State or against necessary parties who were not impleaded. A tenant or occupant has no proprietary title and therefore cannot convey ownership. Notices under Sections 9 and 10 of the Land Acquisition Act, 1894 are issued to "persons interested," which includes occupiers and claimants of compensation; such notices do not amount to recognition of ownership. Entries based on Haq Qabza, particularly in areas affected by fraudulent claims, must be supported by genuine pre-1947 registered documents to sustain legal validity. Claims not pursued within statutory limitation become barred and unenforceable.

Application: The Court held that the sale deeds explicitly limited the conveyed land to 241-1 acres. The total consideration of Rs. 28,002 matched precisely the valuation mentioned in the title of the 1962 compromise decree, indicating that the compromise related to the same sale deed land and not to 1280 acres. The compromise decree did not mention 1280 acres and was passed without impleading admitted co-lessees or the State. The plaint of that suit was missing, making it impossible to ascertain the scope of the claim or the basis of the decree. Consequently, the decree could not bind the Government or enlarge title beyond what was lawfully conveyed. The tenant Kaderbux, being merely an occupant under expired leases, had no proprietary rights to transfer. Thus, even assuming possession changed hands, no legal title to the excess land could arise. The argument that issuance of Land Acquisition Act notices constituted acknowledgment of ownership was rejected. The Court clarified that such notices are procedural safeguards and do not establish title. Further, the Court found glaring inconsistencies and internal contradictions in key documents relied upon by the appellants. These discrepancies undermined the credibility of the claim and supported the conclusion that the expanded area was unsupported by lawful evidence. The liberty granted in 1989 to pursue remedy for the limited sale deed area was never exercised. After 36 years, any such claim stood barred by limitation.

Conclusion: The High Court dismissed the appeal with costs and upheld the earlier judgment. It held that the plaintiffs had no lawful right, title, or interest in the claimed 1280 acres. At best, the sale deeds covered only 241-1 acres, and even that limited remedy was extinguished by limitation due to inaction.

7. **HIGH COURT OF SINDH**
High Court Appeal No.422 of 2017
Mst. Hajani Sherbano (through her Legal Heirs) v. Qazi Muhammad Fareed & Others

Present: Mr. Justice Muhammad Faisal Kamal Alam & Miss. Justice Sana Akram Minhas
Source: https://caselaw.shc.gov.pk/caselaw/view-file/MzA2NDU3Y2Ztcy1kYzgz

Facts: This appeal arose from rejection of the plaint in Suit No.920 of 2017 filed by Mst. Hajani Sherbano (now through legal heirs) concerning Plot No.136, Block 7 & 8, Karachi Memon Cooperative Housing Society, measuring 1181 sq. yards. She sought declarations of lawful allotment and entitlement, cancellation of documents relied upon by Qazi Muhammad Fareed, recovery of possession, mesne profits, and injunctions. Respondent Fareed moved an application under Order VII Rule 11 CPC arguing the suit was barred by limitation and other statutes. The learned Single Bench rejected the plaint on 24.10.2017, mainly reasoning that the appellant was dispossessed on 12.05.2009 but filed suit on 29.03.2017, and also because the plaint of an earlier Suit No.85 of 2011 filed by Al-Riaz Cooperative Housing Society regarding the same plot had been rejected, so the appellant's suit was treated as not maintainable. The record showed overlapping litigation: the appellant had filed an Illegal Dispossession Act complaint in 2009 (dismissed in 2014 but later remanded by the Supreme Court for fresh decision). Fareed had obtained a decree in Suit No.763 of 2009 for injunction against the appellant's legal heir/attorney, restraining dispossession "without due process." Al-Riaz Society later filed Suit No.85 of 2011 seeking cancellation of its own allotment/sub-license to Fareed and return of plot to the appellant; its plaint was rejected in 2013 with an observation that Al-Riaz Society had no right/title in the plot. Fareed also filed a constitutional petition before SBCA without impleading the appellant; the Supreme Court on 07.03.2017 clarified that the consent order there would not bind the appellant and she could approach the proper forum. The appellant filed Suit No.920 of 2017 within about two weeks of that order. There was also undisputed correspondence and mutation/transfer record showing transfer/mutation in the appellant's favour from the Societies Union and official correspondence from the Ministry of Works indicating the plot fell within Memon Society's jurisdiction, while Al-Riaz Society's own correspondence did not show Plot 136 among plots allotted to it.

Issue: Whether the appellant's Suit No.920 of 2017 was barred by law (especially limitation and res judicata/constructive res judicata) so as to justify rejection of plaint under Order VII Rule 11 CPC, and whether the learned Single Bench correctly applied the law in view of continuous and overlapping litigation over the subject plot.

Rule: A plaint can be rejected under Order VII Rule 11 CPC only when, from the plaint and admitted material, the suit appears barred by law; where limitation or maintainability depends on disputed or mixed facts, rejection at threshold is generally improper and the

matter should proceed through issues/trial. Limitation must be applied according to the correct article governing the relief. A suit for possession after dispossession is generally governed by the specific limitation provision for possession (the Court applied Article 142 providing twelve years for dispossession-based possession suits), and the limitation question can be a mixed question of law and fact. Section 11 CPC (res judicata) and constructive res judicata apply only where there is a conclusive prior adjudication on merits of the same issue between parties or their privies; rejection of plaint in prior proceedings, or injunction decrees limited to "due process," do not automatically settle title/ownership. Section 14 of the Limitation Act applies where a litigant prosecutes a civil proceeding with due diligence before a forum lacking jurisdiction in good faith; it does not automatically cover every earlier proceeding, especially where the earlier remedy was not a "wrong forum" in that sense. A mutation entry is not a title document, but at the Order VII Rule 11 stage undisputed official record can still be considered to see whether triable issues exist and whether a plaint is plainly barred.

Application: The High Court treated the controversy as one involving overlapping proceedings without any conclusive determination of ownership/title in favour of either claimant. It noted that Fareed's injunction decree only restrained dispossession without due course of law, so it could not block the appellant from filing an independent suit for declaration/possession. The Illegal Dispossession Act complaint's dismissal also did not finally determine title and had been remanded by the Supreme Court, making it unsafe to treat it as final closure. The Court further found that Al-Riaz Society's plaint rejection in 2013 did not operate as res judicata against the appellant because it was rejected on grounds tied to Al-Riaz Society's lack of right to sue for a third party, not on a conclusive adjudication of the appellant's title. Plus, the rejection order's observation that Al-Riaz Society had no right/title in the plot created a serious question about how Fareed's allotment chain through Al-Riaz Society could be treated as unquestionable at the plaint stage. On limitation, the Court held the Single Bench misapplied the law by treating the suit as barred under Article 91 or Article 120. It pointed out a key factual/legal mismatch: the learned Single Bench assumed appellant's knowledge of a lease since 2010, yet the lease document itself bore stamp date 13.11.2013, making the reasoning internally inconsistent. More importantly, for dispossession-based possession relief, the Court applied Article 142 (twelve years) rather than shorter limitation theories and held that limitation here was at least a mixed question of fact and law not suitable for rejection under Order VII Rule 11. The Court also emphasized that the appellant did not remain inactive. She issued caution notices, filed complaints, pursued proceedings, and filed her civil suit promptly after the Supreme Court's 07.03.2017 order which explicitly left her rights unaffected by the earlier consent order and directed her to seek proper remedy. Given this continuity, the Court treated cause of action as recurring and the declaratory right as continuing so long as the underlying right was subsisting. Finally, the Court disagreed with the approach that photocopies/unproved documents could not be looked at at all, because the case never reached the evidence stage; the question at this stage was whether triable issues existed and whether the suit was plainly barred.

Conclusion: The appeal was allowed, the impugned judgment rejecting the plaint was set aside, and Suit No.920 of 2017 was revived to be decided by the trial court (now District Court due

to legislative transfer) within four months, with liberty to frame a limitation issue as a mixed question of law and fact. Observations were directed not to prejudice trial.

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8 **SINDH HIGH COURT**
Riaz Jafar v. Federation of Pakistan and others
Constitutional Petition No.D-1333 of 2020

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

Source: **https://caselaw.shc.gov.pk/caselaw/view-file/MzA2MjY1Y2Ztcy1kYzgz**
2026 SHC KHI 399

Facts: The petitioner, Riaz Jafar, was initially appointed as Lower Division Clerk (BPS-5) in 1966 in the Pakistan Telegraph and Telephone Department, which later became Pakistan Telecommunication Company Limited (PTCL) after the promulgation of the Pakistan Telecommunication (Re-Organization) Act, 1996. Over the course of his service, he was promoted to Upper Division Clerk (BPS-7) in 1974 and subsequently to Assistant (BPS-11) in 1998. The petitioner claimed that despite being senior and eligible, he was denied Selection Grade (BPS-15) on 28.11.2001, whereas his juniors were granted the said benefit and later promoted. His departmental appeal was rejected through a non-speaking order dated 23.10.2002. A Service Appeal before the Federal Service Tribunal abated following the Supreme Court's judgment in Muhammad Mubeen-us-Salam v Federation of Pakistan. Thereafter, his grievance petition before the National Industrial Relations Commission (NIRC) was dismissed on the ground of lack of jurisdiction. Having retired on 12.02.2008, he approached the High Court under Article 199 of the Constitution seeking Selection Grade/proforma promotion and consequential benefits.

Issue: **(i).** Whether the petitioner, a retired employee of PTCL appointed under statutory service rules, was entitled to Selection Grade (BPS-15) through proforma promotion from 28.11.2001 on the ground that he was discriminatorily denied the benefit granted to his juniors?
(ii). Whether the constitutional petition was maintainable under Article 199 of the Constitution despite earlier proceedings before the Service Tribunal and NIRC.

Rule: The Court reiterated that although promotion is not a vested right, an employee who fulfills eligibility and seniority criteria cannot be denied equal treatment without lawful justification, as guaranteed under Articles 4 and 25 of the Constitution of the Islamic

Republic of Pakistan, 1973. Employees appointed under statutory rules prior to the privatization of PTCL remain amenable to constitutional jurisdiction. Under the Civil Servants Act, 1973 and Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, there is no provision for retrospective regular promotion after retirement. However, the proviso to Fundamental Rule 17(1) allowed grant of arrears through proforma promotion where an employee was wrongfully prevented from promotion without fault on his part. Selection Grade, introduced under the 1983 policy, is a financial incentive granted to compensate stagnation and is distinct from regular promotion. The Supreme Court in Province of Sindh v Ghulam Shabbir affirmed that a civil servant is entitled to promotion from the date of occurrence of vacancy if unlawfully denied consideration.

Application: The Court first held the petition maintainable, observing that the petitioner was appointed under statutory rules prior to PTCL's privatization and thus remained subject to public law remedies. The NIRC rightly declined jurisdiction as the petitioner's case did not fall within labor laws, but that did not bar constitutional review for enforcement of fundamental rights. On merits, the Court found that although 23 Assistants were granted Selection Grade (BPS-15) through notification dated 28.11.2001, the petitioner—despite being senior and eligible—was excluded without lawful classification. The administrative record revealed contradictions: internal findings and even legal opinion supported the petitioner's entitlement, yet his representation was rejected through a non-speaking and irrational order. No adverse material, inefficiency, or misconduct was attributed to him. The respondents failed to justify the discriminatory exclusion. The Court held that while regular retrospective promotion after retirement was impermissible, proforma promotion/Selection Grade could be granted where wrongful denial was established. However, applying the principle that Article 25 does not contemplate negative equality, the Court declined to grant retrospective effect from 1995 and restricted the benefit from the date of notification, i.e., 28.11.2001.

Conclusion: The High Court allowed the constitutional petition and directed the respondents to grant Selection Grade/proforma promotion in BPS-15 to the petitioner with effect from 28.11.2001, along with consequential financial benefits, to be paid within three months. The Court declined the claim for regular promotion to higher grades and refused retrospective benefit prior to the date of issuance of the Selection Grade notification. The judgment thus reaffirmed the constitutional protection against discriminatory treatment in service matters while maintaining limits on retrospective promotions after retirement.

9. **SINDH HIGH COURT**
Sania Rasool Bhutto v. The Federation of Pakistan and othes
Constitutional Petition No.D-4517 of 2025

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

Source: **https://caselaw.shc.gov.pk/caselaw/view-file/MzA2MjAxY2Ztcy1kYzgz**
2026 SHC KHI 397

Facts: In Constitutional Petition No.D-4517 of 2025, filed before the High Court of Sindh, the petitioner, Ms. Sania Rasool Bhutto, a Deputy Collector (BS-18) serving in the Collectorate of Customs Appraisement (East), Karachi, challenged her transfer to the Federal Board of Revenue (HQ), Islamabad, through notification dated 10.09.2025 issued by the Federal Board of Revenue. Her husband, an officer of the Police Service of Pakistan, was posted in Karachi. The petitioner contended that her transfer violated the Wedlock Policy Notification dated 13.05.1998, which facilitates posting of serving spouses at the same or nearby station, and infringed her constitutional rights under Articles 4, 9, 10-A, 25, and 35 of the Constitution of the Islamic Republic of Pakistan, 1973. Despite submitting representations seeking protection under the policy, the respondents did not withdraw the transfer order. The respondents defended the transfer on the grounds of administrative exigency and argued that transfer is an incidence of service with no vested right to remain at a particular station.

Issues: **(i).** Whether the transfer of the petitioner from Karachi to Islamabad, in disregard of the Wedlock Policy and without demonstrating compelling public interest, was lawful and constitutionally valid?

(ii). Whether it violated the Wedlock Policy and the constitutional protections relating to family life under Article 35 and the right to life under Article 9 of the Constitution?

Rule: The Wedlock Policy Notification dated 13.05.1998, as amended through SRO 375(I)/2012 under Rule 20-A of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, provides that serving husband and wife should, as far as possible, be posted at the same station, and such cases are exempted from the general rule governing transfers. The policy emphasizes protection of family unity and minimizes hardship arising from separation. Article 35 of the Constitution mandates the State to protect marriage and family, while Article 9 guarantees the right to life, which has been expansively interpreted by the Supreme Court of Pakistan to include the right to live with dignity and enjoy family life. In Mubashir Iqbal Zafar v. Ministry of Defence, the Supreme Court of Pakistan held that although transfer is an incidence of service, the Wedlock Policy must be earnestly implemented and cannot be ignored in routine transfers absent compelling public interest.

Application: The Court observed that the petitioner and her husband were both civil servants serving in Karachi, bringing the case squarely within the ambit of the Wedlock Policy. The impugned notification did not disclose any compelling reason of public interest necessitating her transfer to Islamabad. The respondents' stance that transfer is a routine administrative matter was found to be a one-dimensional approach inconsistent with the policy's objective of safeguarding family unity. Relying on the Supreme Court's pronouncement in Mubashir Iqbal Zafar, the Court emphasized that the State bears a heavy burden to implement its own policy in good faith and cannot leave its enforcement to the whims of the competent authority. The transfer, made without addressing the petitioner's representations or demonstrating exceptional circumstances, amounted to a disregard of the Wedlock Policy and undermined the constitutional mandate under Article 35. Furthermore, separating the petitioner from her spouse without justifiable cause was held to infringe the broader conception of "life" under Article 9, which includes the right to live with dignity and maintain family life.

Conclusion: The High Court concluded that the impugned transfer notification dated 10.09.2025, to the extent of the petitioner, was unlawful, arbitrary, and violative of the Wedlock Policy as well as Articles 9 and 35 of the Constitution. Accordingly, the petition was allowed, the transfer order was set aside qua the petitioner, and she was deemed never to have been transferred from Karachi to Islamabad, with direction for her restoration to her previous posting.

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10. **SINDH HIGH COURT**
Muhammad Saleem Shaikh v. Province of Sindh and others
Const. Petition No. D-4880 of 2025

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

Source: https://caselaw.shc.gov.pk/caselaw/view-file/MzA2MjA5Y2Ztcy1kYzgz
2026 SHC KHI 398

Facts: The petitioner, Syed Tahir Ali, a retired Superintending Engineer (Civil) BPS-19 of the Karachi Water & Sewerage Corporation (KWSC), filed a constitutional petition before the High Court of Sindh under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. He retired on 25.07.2023 upon attaining superannuation. His grievance was that although his juniors were promoted to BPS-19 pursuant to the DPC held on 23.02.2018, he was not granted promotion from that due date despite being senior. A departmental note-sheet dated 22.06.2021 acknowledged that he was senior and entitled to promotion from the date his junior was promoted, and the same was approved

by the competent authority; however, no consequential notification was issued. Subsequently, he was promoted pursuant to the DPC held on 13.12.2021 vide notification dated 05.01.2022, with effect from 13.12.2021. After retirement, he sought antedated promotion from 23.02.2018 along with consequential monetary and pensionary benefits, which was resisted by the respondents on the ground that he had accepted the later promotion without protest and that the promotion had been granted strictly in accordance with law.

Issue: Whether the petitioner, who was promoted to BPS-19 in 2021 and subsequently retired, was legally entitled to be granted promotion with retrospective effect from 23.02.2018—the date when his junior was promoted—along with consequential financial and pensionary benefits, particularly when the department itself had acknowledged his prior entitlement but failed to issue a formal notification?

Rule: The Court reaffirmed that promotion from the due date is a vested right where an employee has been wrongfully superseded and later found entitled by the competent authority. Mere acceptance of a delayed promotion does not extinguish the lawful claim to antedated promotion. Administrative delay cannot defeat a substantive right. Furthermore, under Fundamental Rule 17 and settled service jurisprudence, retirement does not bar grant of proforma promotion with consequential refixation of pay and pension where the employee was not at fault in the delay of consideration. Judicial review under Article 199 of the Constitution is maintainable where a statutory body acts arbitrarily or fails to implement its own approved recommendations.

Application: Applying these principles, the Court observed that the departmental record itself acknowledged, through the note-sheet dated 22.06.2021, that the petitioner was senior and entitled to promotion from the date his junior was promoted in 2018. The respondents failed to deny this entitlement substantively. The later promotion in 2021 did not cure the earlier illegality, nor did the petitioner's acceptance of such promotion amount to waiver of his accrued right. The failure to issue the promotion from the due date was attributed to administrative inaction rather than any fault of the petitioner. Since the petitioner had already retired, denial of retrospective promotion would unjustly deprive him of corresponding pensionary benefits, thereby allowing procedural delay to override substantive justice. The Court held that such arbitrary denial by KWSC, a statutory body performing public functions in the Province of Sindh, warranted judicial interference.

Conclusion: The petition was allowed. The Court declared that the petitioner was entitled to promotion to the post of Superintending Engineer (Civil) BPS-19 with effect from 23.02.2018, the date his junior was promoted pursuant to the DPC held on that date. The

notification dated 05.01.2022 was modified accordingly, and the petitioner was deemed promoted from 23.02.2018 with all consequential benefits, including refixation of pay and pensionary benefits. The judgment constituted the detailed reasons for the short order dated 17.02.2026 whereby the petition was accepted.

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11. **SINDH HIGH COURT**
State Bank of Pakistan v. The Full Bench of NIRC and others
Constitutional Petition No.D-2667 of 2024

SBP-Banking Services Corporation v. The Full Bench of NIRC & others
Constitutional Petition No.D-2668 of 2024

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

Source: https://caselaw.shc.gov.pk/caselaw/view-file/MzA1OTA1Y2Ztcy1kYzgz
2026 SHC KHI 344

Facts: The petitions were filed by the State Bank of Pakistan (SBP) and SBP Banking Services Corporation (SBP-BSC) under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, challenging the orders of the National Industrial Relations Commission (NIRC). The respondent No.4 had been working as a Dispenser in SBP's dispensary through a contractor, M/s Prime HR Services Pvt. Ltd., since 2015. His services were terminated on 13.11.2017 during probation under a contractual arrangement. The respondent filed a grievance petition, initially before the Sindh Labour Court under the Sindh Terms of Employment (Standing Orders) Act, 2015, which transferred the matter to NIRC on the premise that SBP-BSC is a trans-provincial establishment. The learned Single Member of NIRC set aside the termination and ordered reinstatement with back benefits, which was upheld by the Full Bench on appeal. Aggrieved, the petitioners invoked constitutional jurisdiction, contending lack of jurisdiction and absence of employer-employee relationship.

Issues: **(i).** Whether the NIRC validly assumed jurisdiction over the grievance petition on the basis that SBP-BSC is a trans-provincial establishment?
(ii). Whether respondent No.4, though appointed through a contractor, could legally be treated as a permanent employee entitled to reinstatement under labour laws?

Rule: Under the Industrial Relations Act, 2012, the NIRC has jurisdiction over trans-provincial establishments. Judicial precedents of the Honourable Supreme Court of Pakistan, including Moulvi Aziz-ur-Rehman v. Ahmad Khan (2004 SCMR 1622) and Pak Telecom Mobile Limited v. Muhammad Atif Bilal (2024 SCMR 719), establish that workers performing permanent and continuous duties under the control and supervision of a principal employer cannot be denied statutory protection merely due to contractual arrangements through third-party contractors. Further, labour jurisprudence recognizes that where an employee performs work of permanent nature beyond the probationary or contractual limits prescribed in Standing Orders, such employee acquires the status of a permanent workman by operation of law. Constitutional jurisdiction under Article 199 does not permit interference with concurrent findings of fact unless there is jurisdictional defect, illegality, or perversity.

Application: The Court observed that SBP-BSC, a wholly owned subsidiary of SBP established under the SBP Banking Services Corporation Ordinance, 2001, operates nationwide and performs federal banking functions, thus qualifying as a trans-provincial establishment. Consequently, the transfer of proceedings to NIRC and its assumption of jurisdiction were lawful. On merits, the respondent had continuously served in SBP's dispensary, performing duties of a permanent nature under the supervision and control of SBP. The contractual arrangement with the outsourcing agency did not negate the factual employer-employee relationship. The termination without written reasons violated the applicable Standing Orders. Both the Single Bench and Full Bench of NIRC recorded concurrent findings after appraisal of evidence that the respondent had acquired permanent status and was unlawfully terminated. The High Court found no jurisdictional defect, illegality, or misreading of evidence warranting interference in constitutional jurisdiction.

Conclusion: The Court held that the NIRC rightly exercised jurisdiction and correctly applied settled labour principles in directing reinstatement with back benefits. The contention that respondent No.4 was merely a contractual employee of a third party was untenable in light of the nature of his duties and established precedent. Since the findings of the NIRC were concurrent and legally sound, no case for interference under Article 199 was made out. Accordingly, both constitutional petitions were dismissed, and the impugned orders were maintained without any order as to costs change its font setting without changing any single other thing. I need same words and all things just change font setting

12. **SINDH HIGH COURT**
Moiz Shahzad v. Federation of Pakistan and others
Constitutional Petition No.D-5248 of 2025

Muhammad Kalim Khan v. Moiz Shahzad and others
Constitutional Petition No.D-986 of 2025

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

Source: **https://caselaw.shc.gov.pk/caselaw/view-file/MzA1OTEzY2Ztcy1kYzgz**
2026 SHC KHI 346

Facts: The present matter arises out of two connected Constitutional Petitions before the High Court of Sindh under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. In CP No. D-5248 of 2025, Moiz Shahzad challenged the action of DHA authorities in sealing his residential property (House No. 183, Street No. 42, Phase-VI, DHA Karachi), contending that the sealing was unlawful, without due process, and in violation of his constitutional rights under Articles 10-A, 23, and 24 of the Constitution. He maintained that he merely offered prayers at home and did not formally convert the property into a mosque. Conversely, in CP No. D-986 of 2025, Muhammad Kaleem Khan, a neighboring resident, alleged that the said residential property had been unlawfully converted into a mosque (Masjid Tariq Bin Ziyyad), causing nuisance, traffic obstruction, and violation of DHA Building Control & Town Planning Regulations 2020, Clifton Cantonment Board Regulations, and zoning laws. He sought injunction, demolition of the structure, and enforcement of regulatory laws. The regulatory authorities (DHA and CBC) contended that the property was approved strictly for residential use and that congregational prayers constituted an impermissible change of land use. They asserted that notice had been issued prior to sealing under applicable regulations.

Issues: **(i).**Whether the sealing of a residential property by regulatory authorities on the ground of alleged unauthorized conversion into a mosque, without completing statutory due process including notice and opportunity of hearing, is lawful under the Constitution?
(ii). Whether religious use of residential property can override zoning and land-use regulations?

Rule: The Court reiterated that Article 10-A of the Constitution guarantees due process and fair trial, incorporating the doctrine of audi alteram partem (right to be heard). No person can be deprived of property except in accordance with law, as protected under

Articles 23 and 24 of the Constitution. Regulatory authorities may enforce zoning and land-use controls, but such enforcement must strictly comply with statutory procedures and constitutional safeguards. It is a settled principle that unauthorized construction or change of land use—even for religious purposes—cannot be condoned merely on the basis of religious sentiment. The Supreme Court in the case of Kidney Hill Park case affirmed that unauthorized religious structures constructed in violation of zoning laws are liable to removal. Similarly, courts have consistently held that regulatory actions affecting property rights must observe fairness, transparency, and procedural legality.

Application: Applying these principles, the Court observed that while zoning laws validly restrict conversion of residential property into a place of public worship without approval, enforcement must adhere to constitutional due process. Sealing of property without completing statutory requirements, including adequate notice and hearing, amounts to arbitrary exercise of power and partial deprivation of property. At the same time, the Court recognized that religious use cannot justify deviation from approved land use. Unauthorized change from residential to mosque use, if established, would violate DHA Regulations and lease conditions. During proceedings, the petitioner in CP No. D-5248/2025 undertook to restore the property to its original residential use in accordance with the sanctioned building plan within three weeks. In light of this undertaking, the Court found it appropriate to balance enforcement of zoning laws with protection of constitutional safeguards, without permitting continued unauthorized use.

Conclusion: The Court concluded that although zoning regulations prohibiting conversion of residential property into a mosque are valid and enforceable, sealing of the property must comply with constitutional due process requirements. In view of the petitioner's undertaking to restore the premises to its original residential status within three weeks, the Court ordered that upon compliance the property shall be de-sealed. Both petitions were disposed of accordingly, with clarification that in case of breach of the undertaking, the law shall take its own course.

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13. **SINDH HIGH COURT**
Dost Ali Soomro and another v. Province of Sindh and others
Constitutional Petition No.D-1456 of 2025

Ali Asghar and others v. Province of Sindh and others
Constitutional Petition No. D-2509 OF 2025

Present: **Mr. Justice Adnan-ul-Karim Memon**

Mr. Justice Zulifqar Ali Sangi

Source: https://caselaw.shc.gov.pk/caselaw/view-file/MzA2MDQzY2Ztcy1kYzgz
2026 SHC KHI 388

Facts: The petitioners applied for the post of Police Constable (BPS-07) in District Sujawal pursuant to an advertisement published in the Daily Kawish newspaper. They successfully passed the physical and written examinations and were subsequently called for interviews. However, they were declared unsuccessful at the verification stage and interview phase. The primary ground for rejection was the registration of FIR No.177 of 2024 at P.S. Sujawal against them. The said criminal case, however, did not culminate in conviction; rather, it was disposed of under "C-Class," and in related matters, the petitioners were acquitted by competent criminal courts. The petitioners contended that despite fulfilling all criteria and securing higher marks than some selected candidates, their names were excluded from the final merit list due to mala fide considerations, political interference, and discrimination. The respondents, represented by the learned AAG, maintained that the recruitment process was conducted strictly under the Sindh Police Recruitment Policy-2022 and that the petitioners failed to secure the minimum 50% qualifying marks in the viva voce, which independently justified their non-selection.

Issue: Whether mere registration of a criminal case—subsequently disposed of under "C-Class" or resulting in acquittal—can lawfully disqualify a candidate from public employment; and whether the Court, in exercise of constitutional jurisdiction under Article 199 of the Constitution, can interfere with the assessment of suitability made by the recruitment authority in the interview stage?

Rule: It is a well-settled principle of law, as consistently held by the Supreme Court of Pakistan, that mere registration or pendency of an FIR, in the absence of conviction by a competent court, cannot be treated as a disqualification for public employment. Once criminal proceedings end in acquittal or are otherwise disposed of without a finding of guilt, the stigma attached to mere involvement in a criminal case loses its legal significance. Furthermore, while constitutional courts may intervene where actions are unlawful, mala fide, or without jurisdiction, the determination of a candidate's suitability in an interview ordinarily falls within the exclusive domain of the competent authority and is not to be substituted by judicial opinion unless arbitrariness or illegality is established.

Application: Applying the above principles, the Court observed that the petitioners' criminal cases did not result in conviction; rather, the FIR was disposed of under "C-Class," and the

petitioners were acquitted in related proceedings. Therefore, rejection of their candidature solely on the basis of such criminal proceedings was unlawful and unsustainable in law. However, the respondents' contention that the petitioners failed to secure the minimum qualifying marks in the viva voce constituted a distinct ground relating to suitability. The Court held that assessment of interview performance lies within the discretion of the recruitment authority and cannot be conclusively determined in constitutional jurisdiction. Nevertheless, considering the petitioners' grievance that they were deliberately shown as having failed in the interview, the Court deemed it appropriate, in the interest of justice, to direct reconsideration by the competent authority.

Conclusion: The Court partly allowed the petitions by declaring that rejection of the petitioners' candidature on the basis of the criminal case—already disposed of in their favour—was unlawful and of no legal effect. However, instead of directly ordering appointment, the Court directed the Inspector General of Police, Sindh, to conduct a re-interview through a duly constituted Recruitment Committee strictly in accordance with the Sindh Police Recruitment Policy-2022. If the petitioners secure the minimum qualifying marks and are otherwise found suitable, their candidature shall be considered afresh on merit for appointment as Police Constable (BPS-07) in District Sujawal. The entire exercise was ordered to be completed within one month.

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14. **HIGH COURT OF SINDH AT KARACHI**
C. P. No. D-1301 of 2024.
Javed Aslam Mughal & Versus Government of Sindh & others

Present: Mr. Justice Yousuf Ali Sayeed
Mr. Justice Abdul Mobeen Lakho.

Source: https://caselaw.shc.gov.pk/caselaw/view-file/MzA1NjQzY2Ztcy1kYzgz
2026 SHC KHI 329

Facts: The petitioners were appointed as Medical Officers on a contractual basis by the Health Department, Government of Sindh, in 1996. Their services were subsequently regularized under the Sindh Regularization of Doctor's Appointed on Contract Basis Act, 2003, with effect from 20.12.2003. They continued in service until their respective retirement dates, completing over 10 years of regular service, which qualified them for pension. However, the contractual period prior to regularization was not included in the calculation of their pensionary benefits, leading them to file this petition seeking inclusion of that period.

Issues: The primary issue was whether the petitioners' period of service under contract (prior to regularization) should be included in the calculation of their pensionary benefits, despite

their already qualifying for pension based on 10 years of regular service.

Rules: The court referenced Regulation 371-A of the Civil Service Regulations (CSR), which allows temporary and officiating service to count for pension under specific conditions: (i) more than 5 years of continuous temporary service counts for pension or gratuity (excluding prior broken periods); and (ii) continuous temporary/officiating service of less than 5 years followed immediately by confirmation also counts. This regulation is in pari materia with Rule 2.3 of the West Pakistan Civil Services Pension Rules, applicable to provincial employees, which similarly provides that: (i) government servants on temporary establishment with more than 5 years of continuous temporary service count such service for pension or gratuity; and (ii) temporary/officiating service followed by confirmation counts for pension or gratuity. The court also relied on Supreme Court precedents, including Chairman/Dean Sheikh Zayed Hospital, Lahore v. Amjad Mehmood Khan (2025 SCMR 168), Chairman, Pakistan Railway v. Shah Jehan Shah (PLD 2016 SC 534), and M/o Finance v. Syed Afroz Akhtar Rizvi (2021 SCMR 1546), which establish that contractual/temporary service can be factored into pension calculations if continuous and followed by regularization without interruption, provided the employee independently qualifies for pension (10 years of regular service). Eligibility for pension is tied to regular service, but contractual periods can be added for enhanced benefits.

Application: The court applied the principles from the cited Supreme Court judgments, noting that the petitioners' service was continuous and uninterrupted from contract to regularization and retirement. Although the respondents argued that CSR Regulation 371-A applies only to federal employees and not provincial ones like the petitioners, the court held that it is equivalent to Rule 2.3 of the West Pakistan Civil Services Pension Rules, making the precedents applicable. A prior Division Bench decision of the High Court of Sindh in C.P. No. D-320/2021 (involving a similar provincial pension claim) further supported this. Since the petitioners independently qualified for pension with over 10 years of regular service, their contractual periods fell under clause (ii) of the rules and could be included for calculation purposes, as the service was temporary in nature and followed by confirmation without gaps.

Conclusion: The petition was allowed. The respondents were directed to recalculate the petitioners' pensionary dues/benefits by including their contractual periods of service and to settle the same without further delay.

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15. **HIGH COURT OF SINDH AT KARACHI**
C.P. No. S-1779 of 2024
City School Pvt. Ltd Versus Province of Sindh & others

Present: Mr. Justice Yousuf Ali Sayeed.
Mr. Justice Abdul Mobeen Lakho.

Source: https://caselaw.shc.gov.pk/caselaw/view-file/MzA1NDE3Y2Ztcy1kYzgz
2026 SHC KHI 304.

Facts: The petitioner, an educational society, filed this constitutional petition seeking enforcement of a Supreme Court order dated 19.10.2023 in Civil Petition No. 4266/2018 and connected matters. That order directed Respondent No. 3 (Works Cooperative Housing Society Limited) to convene a Special General Meeting on 28.01.2024 at the society's Central Library and Community Centre (Plot No. ST-9F, Block-8, Gulshan-e-Iqbal, Karachi) to vote on the petitioner's detailed proposal for using a plot (ST-2, Block 8, Gulshan-e-Iqbal, ad-measuring 14,094 sq. yards). The proposal was to cover facilities and fee structure, submitted by the petitioner within 30 days for distribution to members at least 30 days prior to the meeting. The meeting was to be supervised by the Nazir of the High Court, who would submit a report to the Supreme Court. If rejected, the petitioner was to vacate the property within 15 days. The petitioner complied with its obligations, but Respondent No. 3 failed to convene the meeting, allegedly frustrating the process deliberately. The petitioner sought directions for compliance, appointment of the Nazir, imprisonment of Respondent No. 3's governing body members, attachment of their properties, restraint on third-party interests in the plot, costs, and any other relief.

Issues: The key issues were: (1) Whether the High Court has jurisdiction under Article 187 of the Constitution to enforce the Supreme Court order by issuing fresh directions, extending expired timelines, or imposing coercive measures like imprisonment and property attachment for non-compliance; (2) Whether the petition is maintainable in the High Court or falls exclusively within the Supreme Court's contempt and supervisory jurisdiction; and (3) Whether the High Court can modify or supplement the Supreme Court's self-contained mechanism and expired timelines without overstepping constitutional bounds.

Rules: The court relied on Article 187 of the Constitution, which mandates that Supreme Court directions, orders, or decrees are enforceable throughout Pakistan and, in a Province, executed by the High Court as if issued by it. However, this enforcement is limited to execution "as it stands," without modification, extension of timelines, or assumption of the Supreme Court's contempt powers. Contempt proceedings for Supreme Court orders (including imprisonment and attachment) lie exclusively with the Supreme Court under its supervisory authority. The Contempt of Court Ordinance, 2003, and Article 204 of the Constitution apply to High Court orders, but not to usurp the apex court's role. Regulation 371-A of the Civil Service Regulations (CSR) was referenced indirectly via precedents but not central here. Key precedents included: Saeeda Sultan v. Liaqat Ali Orakzai (PLD 2021 SC 671), Kainaat Soomro v. Province of Sindh (PLD 2020 Sindh 611), and others cited by the petitioner supporting High Court enforcement powers; countered by Suo Moto Case No. 4 of 2010 (PLD 2012 SC 553), Ghulam Shabbir v. Federation of Pakistan (2018 PLC (C.S.) 676), and others emphasizing that High Courts cannot assume contempt jurisdiction over Supreme Court orders or bypass the apex court.

Application: The court applied Article 187 strictly, noting that the Supreme Court's order provided a complete, time-bound mechanism (e.g., meeting on 28.01.2024) that had expired without compliance. The High Court lacks authority to extend timelines, reschedule the

meeting, or issue fresh directions, as this would modify the Supreme Court's judgment, which is impermissible. The supervisory role assigned to the Nazir was for reporting to the Supreme Court, not for the High Court to enforce coercively. Prayers for imprisonment and attachment (contempt-related) were beyond the High Court's competence, especially since the petitioner had already filed a contempt petition (Crl. Miscellaneous Petition No. Nil of 2024) in the Supreme Court. The court distinguished the petitioner's precedents as inapplicable, as they did not involve altering Supreme Court timelines, and upheld the respondents' cases affirming the High Court's limited role. The petition was deemed an improper bypass of the Supreme Court, treating it effectively as a contempt matter unsuitable for constitutional jurisdiction here.

Conclusion: The petition was dismissed as not maintainable, with no order as to costs. The court held that it cannot extend or modify the Supreme Court's expired timelines or assume its contempt powers; any enforcement issues must be addressed by the Supreme Court itself.

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16. **High Court of Sindh at Karachi**
C.P. No. D-08 of 1991, with CMA No. 3164/21
Zulfiqar Ali Agha & others Versus Evacuee Trust Property Board & others

Present: Mr. Justice Yousuf Ali Sayeed.
Mr. Justice Abdul Mobeen Lakho.

Source: https://caselaw.shc.gov.pk/caselaw/view-file/MzA1NjQ3Y2Ztcy1kYzgz
2026 SHC KHI 331

Facts: The original petition was allowed by a Division Bench of the High Court on 27.08.2003, with reasons provided in the judgment dated 02.12.2003. This judgment was affirmed by the Supreme Court on 16.02.2018. Subsequently, Respondents Nos. 32 and 33 (the Applicants) filed CMA No. 3164/21 under Section 12(2) of the Code of Civil Procedure (CPC), impugning the High Court's judgment on grounds of fraud, misrepresentation, or lack of jurisdiction. The maintainability of this application before the High Court was questioned as early as 13.08.2021, based on the Supreme Court precedent in Sahabzadi Maharunisa v. Mst. Ghulam Sughran (PLD 2016 SC 358).

Issues: The primary issue was whether the application under Section 12(2) CPC is maintainable before the High Court, given that the High Court's judgment was affirmed by the Supreme Court. Specifically, whether the doctrine of merger applies, making the Supreme Court the final forum, or if the High Court remains the appropriate venue based on earlier precedents like Joydeb Agarwala v. Baitulmal Karkhana Ltd (PLD 1965 SC 37). Additionally, whether the Maharunisa judgment was per incuriam for not following Agarwala.

Rules: The court relied on Section 12(2) CPC, which allows challenging a judgment on grounds of fraud, misrepresentation, or lack of jurisdiction. The doctrine of merger determines the "final court" for such applications. In Sahabzadi Maharunisa (PLD 2016 SC 358), the Supreme Court outlined situations where the doctrine applies: (i) where appeals/revisions/writs are decided on merits, the subordinate judgment merges into the appellate one; (ii) exceptions where appeals are dismissed without merits (e.g., non-prosecution, lack of jurisdiction); (iii) where Supreme Court reverses/modifies/affirms High Court judgments, the Supreme Court's judgment is final; (iv) where leave to appeal is declined, the lower judgment remains final. The principle of per incuriam was discussed, where a judgment ignoring binding precedent or statute is not binding (Abdul Wahab v. State, 2020 PCrLJ 556; S. Nasim Ahmed Shah v. State Bank of Pakistan, 2017 PTD 2029). Earlier precedents like F.A. Khan v. Government of Pakistan (PLD 1964 SC 520) and Joydeb Agarwala (PLD 1965 SC 37) were considered, with Agarwala holding that affirmation without modification does not trigger merger. Article 189 of the Constitution makes Supreme Court decisions binding on lower courts.

Application: The court applied the Maharunisa precedent, noting that the case falls under paragraph 9(iii), as the Supreme Court affirmed the High Court's judgment with detailed reasons, making the Supreme Court's judgment final under the doctrine of merger. The Applicants argued Maharunisa was per incuriam for departing from Agarwala (a co-equal Bench decision) without declaring it per incuriam. However, the court held that Maharunisa consciously considered and departed from Agarwala, not omitting it, so it is not per incuriam. Lower courts are bound by Supreme Court decisions under Article 189, and cannot second-guess whether the Supreme Court properly departed from earlier precedents. Thus, the application is not maintainable before the High Court.

Conclusion: The CMA No. 3164/21 was dismissed as not maintainable.

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17. **HIGH COURT OF SINDH AT KARACHI**
C.P. No. D-4039 of 2023 and C.P. No. D-6546 of 2016.
Bheru Lal versus Pakistan Telecommunication Company Limited

Present: Mr. Justice Yousuf Ali Sayeed.
Mr. Justice Abdul Mobeen Lakho,

Source: https://caselaw.shc.gov.pk/caselaw/view-file/MzA1NjQ1Y2Ztcy1kYzgz
2026 SHC KHI 330

Facts: The petitioner, a former employee of Pakistan Telecommunication Company Limited (PTCL), was initially appointed as an Assistant Divisional Engineer (BPS-17) in the Telegraph & Telephone (T&T) Department of the Federal Government on 19.11.1989 and regularized on 01.03.1994. His services were transferred to the Pakistan Telecommunication Corporation under the 1991 Act (with terms protected under Section 9) and then to PTCL under the Pakistan Telecommunication (Re-organization)

Act, 1996 (with terms, including pensionary benefits, guaranteed under Section 36). He attained superannuation on 01.04.2023. During service, he faced disciplinary proceedings leading to removal on 19.05.2010, which he challenged in C.P. No. D-6546/2016. That petition was allowed on 27.09.2019 (reasons on 11.10.2019), reinstating him subject to a de novo inquiry within three months, with back benefits conditional on the inquiry's outcome. He was reinstated on 02.01.2020, but a fresh charge sheet was issued, prompting a contempt application (CMA No. 25315/20) under the Contempt of Court Ordinance, 2003. On 23.11.2020, the court directed no final order on the charge sheet, and this order was extended. The petitioner superannuated during its subsistence and filed the present petition (C.P. No. D-4039/2023) on 21.08.2023, seeking his retirement notification and full dues/back benefits under Fundamental Rule 54-A.

Issues: Whether the disciplinary proceedings against the petitioner abate upon superannuation under FR 54-A, entitling him to full pensionary benefits and treatment of suspension as duty, despite the pending contempt application and stay order preventing finalization of the de novo inquiry. Additionally, whether PTCL's inability to conclude the inquiry due to the court stay precludes application of FR 54-A.

Rules: Fundamental Rule 54-A (FR 54-A) of the Fundamental Rules of Service, 1922: If a government servant suspended pending inquiry attains superannuation before inquiry completion, the proceedings abate, and he retires with full pensionary benefits, with the suspension period treated as duty. Precedents: Abdul Lateef v. Services, General Administration and Co-ordination Department (2025 PLC (C.S) 732), holding that proceedings abate on superannuation, rendering any impugned action ineffective and entitling the employee to full benefits; Muhammad Zaheer Khan case (cited therein), affirming that even pending proceedings abate, with no remand for de novo inquiry possible post-superannuation.

Application: The court applied FR 54-A directly, noting the petitioner's superannuation during the pendency of the stay in the contempt application. The respondent argued inapplicability due to the court-imposed stay preventing inquiry finalization, but the court rejected this, observing that the respondent failed to contest the contempt (no counter-affidavit filed, no effort to advance hearing), allowing it to linger. The petitioner was entitled to challenge the de novo proceedings, and the respondent could have sought dismissal to proceed before superannuation. The precedents confirmed abatement and full benefits, overriding the stay's impact.

Conclusion: C.P. No. D-4039 of 2023 was allowed, directing PTCL to finalize the petitioner's retirement and settle his full dues within 15 days from judgment announcement. The miscellaneous application (CMA No. 25315/20) in C.P. No. D-6546 of 2016 was disposed of accordingly

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18. **THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**
C.P No. S-295 of 2025
Muhammad Shahid v. Province of Sindh & others

Present: **Mr. Justice Riazat Ali Sahar**

SHC Citation: **2026 SHC HYD 321 & 2026 SHC HYD 322**

Source: https://caselaw.shc.gov.pk/caselaw/view-file/MzA1NjA1Y2Ztcy1kYzgz

Brief Facts: The petitioner assailed the consolidated judgment dated 15.07.2025 whereby the learned 5th Additional District Judge, Hyderabad dismissed his rent appeals and maintained the eviction order dated 03.04.2024 passed by the Rent Controller, along with execution order dated 09.09.2024. The eviction was sought on grounds of willful default and bona fide need. The petitioner denied the landlord-tenant relationship on the basis of an alleged agreement to sell of 1990. After concurrent findings against him and delivery of possession, he invoked Article 199 of the Constitution.

Issue: Whether the High Court can interfere under Article 199 with concurrent findings of the Rent Controller and Appellate Court under the Sindh Rented Premises Ordinance, 1979.

Rule: The appellate authority under Section 21 of the Ordinance is the final statutory forum. Constitutional jurisdiction is supervisory and not a substitute for another appeal. Interference lies only where there is jurisdictional defect, illegality, or misreading of evidence. Cases of Shakeel Ahmed v. Muhammad Tariq Farogh (2010 SCMR 1925) and Messrs Atif Ali v. Mst. Noor Jahan (2015 CLC 310) were relied upon.

Analysis: Both forums below recorded concurrent findings establishing landlord-tenant relationship, default, and bona fide requirement. The plea based on an unregistered agreement to sell did not displace tenancy. No jurisdictional defect or material illegality was shown. The petition sought reappraisal of evidence, which is impermissible in constitutional review.

Conclusion: The petition was dismissed. The controlling principle is that Article 199 cannot be invoked to re-examine concurrent factual findings under rent law unless a clear jurisdictional or legal error is established.

19. **SINDH HIGH COURT**
Criminal Misc. Application No.S-727 of 2024
Zeeshan Arshad & another v. The State

Present: **Mr. Justice Jan Ali Junejo**
Source: MzA2NTExY2Ztcy1kYzgz
(2026 SHC KHI 416)

Facts: An FIR bearing No. 94 of 2023 was registered at Police Station Artillery Maidan, Karachi under sections 380 and 506 PPC on the complaint of Adnan Khalid. It was alleged that on 09.06.2023 certain original property documents went missing from a cupboard in an office at Shafi Courts, Karachi, and that Zeeshan Arshad committed theft and extended threats when questioned. The matter was initially investigated and a final report under section 173 Cr.P.C. was submitted, which the Magistrate did not accept and directed re-investigation. Upon re-investigation, the Investigating Officer recommended disposal of the case in "B-Class." The learned Magistrate, through order dated 08.07.2024, disapproved the report, took cognizance of the offence, and directed submission of face sheet. This order was challenged before the High Court under section 561-A Cr.P.C. During investigation, the FIA/Immigration report dated 23.10.2023 established that the complainant had left Pakistan on 30.05.2023 and returned on 18.07.2023, meaning he was abroad on the alleged date of occurrence. The Call Detail Record did not establish his presence in Pakistan. In Civil Suit No. 1702 of 2018, the complainant had pleaded that the documents were kept in a locker and referred to custody arrangements. A family settlement deed relating to the property was also on record. Statements under section 161 Cr.P.C. did not corroborate the prosecution version.

Issue: Whether the Magistrate lawfully exercised discretion in disapproving the final report submitted after re-investigation and taking cognizance despite documentary evidence indicating insufficient material and a predominantly civil dispute?

Rule: Under section 154 Cr.P.C., a complainant is merely an informant and need not be physically present at the time of occurrence. Under section 173 Cr.P.C., the Investigating Officer must form an opinion based on material collected during fair investigation. A Magistrate is not bound by the police report but must assign cogent and legally sustainable reasons when disagreeing. Under section 561-A Cr.P.C., the High Court possesses inherent powers to prevent abuse of process and to secure the ends of justice. In Ammad Yousaf v. The State (PLD 2024 SC 273), the Supreme Court held that inherent powers must be exercised to prevent malicious or purposeless prosecution,

but only in exceptional circumstances and with judicial caution.

Analysis: The High Court observed that absence of the complainant does not by itself invalidate an FIR. However, the present case was not based merely on absence. The FIA/Immigration report conclusively established that the complainant was outside Pakistan on the alleged date. This official document carried strong evidentiary value. The complainant's own admissions in prior civil proceedings materially contradicted the allegation of theft. The existence of a family settlement deed and the nature of pleadings indicated that the controversy centered on property and custody of documents, essentially civil in character. The statements recorded under section 161 Cr.P.C. did not support the prosecution case, and no fresh incriminating material emerged during re-investigation. The Magistrate, while disapproving the report, failed to meaningfully address this documentary evidence. The High Court found that the discretion was exercised without proper application of judicial mind. Continuation of proceedings in such circumstances would result in harassment and misuse of criminal process.

Conclusion: The High Court allowed the application, quashed the impugned order dated 08.07.2024, and cancelled FIR No. 94 of 2023 under "C-Class," holding that the available material was insufficient to justify cognizance and that the dispute was predominantly civil in nature.

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20. **SINDH HIGH COURT**
Criminal Misc. Application No.575 of 2025
Criminal Misc. Application No.576 of 2025
Sarim Burney v. The State

Present: **Mr. Justice Jan Ali Junejo**

Source: MzA2MDc5Y2Ztcy1kYzgzMzA2MDgxY2Ztcy1kYzgz
(2026 SHC KHI 391 & 2026 SHC KHI 392)

Facts: FIR No. 126/2024 was registered on 05.06.2024 at FIA Anti-Human Trafficking Circle, Karachi on behalf of the State through SI Bilal Ahmed. The FIR arose from Enquiry No. 273/2024 initiated on a complaint received from the Consulate General of the United States of America, Karachi. The complaint alleged illegal adoption activities by M/s Sarim Burney Welfare Trust International. The enquiry revealed that during visits by the U.S. Embassy immigration team, discrepancies were found in cases of minor girls whose names were allegedly changed in guardianship documents. It was reported that affidavits of alleged biological fathers contradicted court proceedings showing the children as abandoned. In one case, the biological mother allegedly stated that the child had been sold for Rs. 350,000 through intermediaries. It was further alleged that USD

3,000 per child was collected from U.S. adoptive families and conflicting documents were submitted before family courts. On these allegations, offences under Sections 3(1)(2), 4 and 5 of the Prevention of Trafficking in Persons Act, 2018, read with Sections 420, 468, 471 and 109 PPC, were incorporated against the applicant and others. The applicant challenged two sets of orders. First, the order dated 28.03.2025 passed by the learned 1st Judicial Magistrate, Karachi East dismissing his application seeking physical production instead of video-link appearance, which was upheld in revision on 03.07.2025. Second, the order dated 28.03.2025 dismissing his application under Sections 221 and 242 read with Section 265-D Cr.P.C. seeking deletion of Sections 3, 4 and 5 of the TIP Act from the charge, which was also maintained in revision. Both orders were assailed through applications under Section 561-A Cr.P.C.

Issue: Whether the production of the applicant through video link violates Section 353 Cr.P.C. and Article 10-A of the Constitution, and whether the inclusion of Sections 3(1)(2), 4 and 5 of the TIP Act at the stage of framing of charge is legally unsustainable so as to warrant interference under Section 561-A Cr.P.C?

Rule: Article 10-A of the Constitution guarantees the right to fair trial and due process. Section 353 Cr.P.C. requires that evidence be recorded in the presence of the accused, subject to lawful exceptions. Rule 670 of the Sindh Prisons & Correctional Services Rules, 2019 authorizes production of under-trial prisoners through video link. Sections 221 and 242 Cr.P.C. regulate the form, content, and framing of charge. At the stage of framing charge, the court is required only to assess whether a prima facie case exists; detailed appreciation of evidence is not permissible. The inherent jurisdiction under Section 561-A Cr.P.C. is to be exercised sparingly, only to prevent abuse of process or miscarriage of justice.

Analysis: The High Court examined whether video-link production infringed the applicant's right to fair trial. It held that technological advancement has made remote appearance permissible, provided safeguards are ensured. Rule 670 expressly authorizes such production. The applicant failed to demonstrate any specific prejudice, denial of confidential consultation, or technical deficiency affecting fairness. Mere apprehension was insufficient to invoke inherent jurisdiction. The Court clarified, however, that the trial court retains discretion to order physical production if circumstances so require. Regarding deletion of the TIP Act provisions, the Court noted that at the stage of framing charge, only a prima facie view of the material is required. The trial court had considered the investigation record and formed an opinion that sufficient grounds existed for framing charge under Sections 3, 4 and 5 of the TIP Act. The application under Sections 221 and 242 Cr.P.C. was found misconceived, as those provisions relate to form and sufficiency of charge, not pre-trial evaluation of evidence. Detailed examination of ingredients and appreciation of evidence would be a matter for trial. The High Court found no exceptional circumstance or patent illegality warranting

interference under Section 561-A Cr.P.C. To safeguard Article 10-A, the Court directed that identity verification, stable audio-visual connectivity, clear visibility and audibility, confidential access to counsel, and simultaneous access to documents be ensured during video-link proceedings.

Conclusion: Both Criminal Miscellaneous Applications were dismissed. The impugned orders of the trial court and revisional court were upheld, holding that video-link production is lawful when safeguards exist and that deletion of penal sections at the charge stage is premature where a prima facie case is disclosed.

SELECTED ARTICLES

Lifeline For Survivors: Understanding Pakistan's Domestic Violence Act 2026

(The Friday Times)

By Amna Usman, Research Associate at CrossEdge Pakistan

https://www.thefridaytimes.com/28-Jan-2026/lifeline-survivors-understanding-pakistan-s-domestic-violence-act-2026

On January 23, 2026, Pakistan's Parliament passed the Domestic Violence (Prevention and Protection) Act, 2026, which came into immediate effect in the Islamabad Capital Territory. This landmark legislation establishes a comprehensive framework to protect individuals from domestic abuse by recognizing not only physical violence but also emotional, psychological, sexual, and economic forms of harm. The Act criminalizes a wide range of abusive behaviors, including threats of unjustified divorce or a second marriage, false character assassination, willful neglect of dependents, stalking, harassment, forced cohabitation, deprivation of entitled financial support, insults, mockery, and any acts that undermine a household member's dignity. Importantly, the law does not prohibit divorce or polygamy themselves but targets their coercive or threatening use as tools of intimidation.

Offenders face imprisonment ranging from six months to three years and fines up to Rs 100,000, with a portion of the fine paid directly to the victim as compensation. Aiding or abetting abuse carries the same penalties, and violating protection, residence, or custody orders is treated as a separate offense. The Act adopts an inclusive approach, defining victims termed "aggrieved persons" as anyone in a domestic relationship, regardless of gender, age, or status, thereby covering women, men, children, transgender individuals, the elderly, and persons with disabilities.

While the law applies only to the federal capital and complements existing provincial legislation, it signals a clear shift in treating domestic violence as a public criminal matter rather than a private family issue. It aligns Islamabad's legal standards with international norms on recognizing non-physical abuse. The legislation received broadly positive responses, with government figures defending its gender-neutral protection, though some religious and political voices, including JUI-F chief Maulana Fazlur Rehman, criticized it as unconstitutional or contrary to Islamic principles. Most objections were addressed by the Act's explicit focus on abusive conduct rather than legitimate marital rights.

Ultimately, the Domestic Violence Act, 2026, represents a significant legislative milestone and a vital lifeline for survivors. However, its real impact will depend on public awareness, effective training of protection officers, timely court enforcement, and consistent implementation across the justice system.

SELECTED ARTICLES

Old Fault Lines of the New Law
(T-Magazine - The Express Tribune)

By Ahsan Jehangir Khan
https://tribune.com.pk/story/2595130/old-fault-lines-of-the-new-law

In this opinion piece, Ahsan Jehangir Khan examines the recently enacted Domestic Violence (Prevention and Protection) Act, 2026, applicable to the Islamabad Capital Territory, and questions whether its progressive provisions will translate into meaningful enforcement. While describing the Act as a landmark on paper due to its broad and inclusive definition of "aggrieved person" (encompassing women, men, transgender individuals, children, the elderly, persons with disabilities, and others in domestic relationships) and its comprehensive scope of domestic violence (covering physical, sexual, psychological, verbal, and coercive acts such as threats of divorce or second marriage, false character accusations, stalking, harassment, insults, wilful neglect, and economic abuse) the author expresses serious doubt about its practical impact.

Khan argues that Pakistan frequently enacts "progressive" legislation in response to international obligations (e.g., GSP+ trade status) or NGO pressure rather than genuine domestic consensus, resulting in an over-legislated environment where laws remain largely unenforced except in cases of selective state or public outrage. He cites the persistent failure to implement existing regulations, such as the Capital Development Authority's Solid Waste Management Regulations, despite

substantial penalties, as evidence of a chronic gap between law and execution caused by budgetary constraints, administrative indifference, and petty corruption.

The article acknowledges the Act's strong institutional design, including direct access to family courts with strict timelines (first hearing within seven days, decision targeted within ninety days), robust interim relief mechanisms (protection orders, residence orders, monetary compensation for losses and maintenance, custody arrangements, and police enforcement powers), and provisions to bypass typical police reluctance toward "family matters." It also notes the planned creation of multidisciplinary Protection Committees and designation of dedicated male and female Protection Officers to assist victims with petitions, medical care, relocation, legal aid, and incident reporting.

However, Khan warns that these mechanisms risk becoming ineffective due to familiar systemic issues: vague statutory language inviting inconsistent judicial interpretation, potential for nepotism or corruption in new appointments, added bureaucratic layers without accountability, and the possibility that Protection Committees devolve into donor-funded events rather than functional support structures. He emphasizes that societal attitudes viewing domestic violence as a private "family" issue rather than a public crime combined with police tendencies toward reconciliation and under-reporting driven by stigma, financial dependence, and family reputation concerns, will continue to undermine implementation.

Ultimately, the author concludes that the Act's fate will depend less on its text and more on the quality of rules framed under Section 24, genuine institutional commitment, cultural willingness to treat domestic violence as criminal conduct, and overcoming entrenched resistance to external intervention in household matters. Without these elements, he cautions, the legislation is likely to join Pakistan's long list of well-drafted but dormant statutes.