

ORDER SHEET
THE HIGH COURT OF SINDH KARACHI

JCM No. 38 of 2011
[Banker's Equity Limited v. M/s. Hamid Textile Mills Ltd.,]

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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- 1. For hearing of CMA No.297 of 2011.
- 2. For hearing of CMA No.298 of 2011.
- 3. For hearing of Main Petition.

12-05-2025

Mr. Waqar Ahmed, Advocate for the Petitioner.

Adnan Iqbal Chaudhry J. - The petition is under section 290 read with section 305 of the erstwhile Companies Ordinance, 1984. Though registered office of the Respondent Company is situated at Lahore, the petition has been filed at Karachi. Under section 7 of the erstwhile Companies Ordinance, 1984, so also under section 5 of the Companies Act, 2017, it is the High Court at the place where the registered office of the Company is situated which exercises jurisdiction over a petition/application filed under the Ordinance / Act. Learned counsel submits that the Under-writing Agreement between the parties had stipulated that Courts at Karachi would have jurisdiction to decide disputes arising under said agreement. In my view, while that may be a factor in determining territorial jurisdiction for a suit for recovery, it holds no water for a petition under the Companies Ordinance/Act which is special law. The Under-writing Agreement between the parties cannot override the statute. Since this High Court does not have territorial jurisdiction over the matter, the petition is dismissed.

SHABAN*

JUDGE