

# IN THE HIGH COURT OF SINDH AT KARACHI

C. P. No. D – 3090 of 2025

[Muhammad Arif Durrani *versus* The learned High Court of Sindh through its Registrar and another]

**Present:**

**Mr. Muhammad Faisal Kamal Alam, J.**

**Mr. Muhammad Hasan [Akber], J.**

Date of hearings : 18.08.2025 and 25.08.2025.

Petitioner : Muhammad Arif Durrani, through M/s. Zia ul Haq Makhdoom and Malik Altaf Hussain, Advocates.

Respondent No.1 : The Learned High Court of Sindh through its Registrar, represented by M/s. Aijaz ul Hasan, Deputy Registrar and Jamaluddin, Assistant Registrar of this Court.

Respondent No.2 : The Learned District and Sessions Judge (East), represented by M/s. Salman Nayyar, Nazir along with Asad Mufti, Admin Clerk, District Court East.

## **ORDER**

**Muhammad Faisal Kamal Alam, J:** Through this Petition, the Petitioner has challenged the Order dated 19.06.2025 issued by the Member Inspection Team-II addressed to Respondent No.2, communicating the directions of the then Hon'ble Monitoring and Inspecting Judge for Karachi-East. For ease of reference, the text of the said Correspondence is reproduced below\_

*“Perused the note. The application made by Mr. Durani in the light of the report submitted by Learned District Judge is turned down. Please ensure that Forensic report be kept confidential. DJ to provide details of Mr. Durani’s movable and immovable assets, as well s details of Bank Accounts maintained by him and family. His travel information also be sought, and provide by 23 June 2025. All details to be kept confidential and private.”*

2. Learned counsel for the Petitioner argued that action against the Petitioner was taken on the basis of some anonymous complaint, authenticity whereof is also questionable, because it bears date of 30.04.2025, *whereas*, received in the Office of learned MIT-II on

14.03.2025. Contended that initiating proceeding against the Petitioner is illegal, because the learned Monitoring Judge being the Appellate Authority could not have passed such Order.

3. Petition is opposed through Parawise Comments filed by both learned Respondents. Stance of Respondent No.1 [learned Registrar of this Court] is that complaints are to be dealt with by Admin Branch of this Court [supervised by Deputy Registrar Admin and the Registrar's Office]. They are responsible for processing the complaints which are finally placed before the Competent Authority [Hon'ble Chief Justice]. However, Departmental Appeals of Staff Members of District Judiciary and the impugned Order are heard by the concerned Monitoring and Inspecting Judges of this Court, under the delegated powers and authority. It is stated that the subject complaint was dealt with by the Office of MIT-II and without properly routing the same, it was placed before the Hon'ble Monitory and Inspecting Judge, who has passed the above direction, which was later complied with.

**Whereas**, the learned Respondent No.2 has opposed this Petition, *inter alia*, by highlighting the fact that averments of the Petition relating to the said Respondent No.2 and the erstwhile MIT-II are baseless and scandalous in nature. Specifically stated in Parawise Comments about assets of the Petitioner, which even can be assessed from the pleadings of his Suit No.2049 of 2025 filed against his wife.

4. We have perused the record.

5. Paragraph-9 of the Petition along with last two lines of Paragraph-11 [at Page-7], shall be struck off with the red ink by the Branch, being inappropriate and scandalous in nature.

6. Learned Monitoring and Inspecting Judge of this Court [Former] was the Appellate Authority for the service matters of the Staff Members of District Judiciary and in our considered view he could not have issued directions for initiation of inquiry, coupled with fact that the Office of MIT-II did not transmit the Complaint properly. But, this procedural lapse is curable, *inter alia*, because till date no substantial steps have been taken in pursuance of the Complaint or disciplinary proceeding, as no Final Order is passed. This lacuna is cured in this Petition by directing the concerned Officials to place subject Complaint before the concerned Competent Authority.

However, **it is clarified** that the Order dated 19.06.2025 is intact and the evidence / material collected so far under the above Inquiry shall be preserved and can be utilized and confronted to the Petitioner, in either disciplinary proceeding, or any other proceeding as the Learned Competent Authority deems fit.

7. Consequently, the Subject Complaint against the Petitioner along with the Evidence shall be placed before the Competent Authority [learned District & Sessions Judge] for consideration and taking action.

8. In view of the above, this Petition stands disposed of along with all pending application(s), if any.

**Judge**

**Judge**

**Karachi.**

**Dated: 27.10.2025.**

Riaz / P.S.