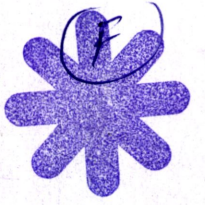


IN THE HIGH COURT OF SINDH, KARACHI  
C.P.No.D-2644 of 2024



Present:

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Muhammad Osman Ali Hadi

08.04.2025

Petitioner Usman Ali present in person.

Mr. Mujtaba Sohail Raja, advocate for respondent No.3.

Ms. Shazia Hanjrah DAG.

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**ORDER**

**MUHAMMAD OSMAN ALI HADI, J:-** The Constitutional Jurisdiction has been invoked before this Court, by filing of the instant constitutional petition, in which the Petitioner seeks payment of monies under a Life Insurance Policy purchased by him against Messrs Jubilee Life Insurance ("JLI") / Respondent No. 2 & 4.

2. The Petitioner appeared in person and mainly contended that he had paid the Respondent No.2/ Jubilee Life Insurance payment of Rs.200,000/- , against which he claims he is owed a further sum of Rs.800,000/- plus profit and unspecified damages, for injury allegedly suffered by him.

3. The Petitioner had also appeared before the Federal Insurance Ombudsman, against which a decision (dated 25.07.2023) was passed, which as per our understanding, dismissed the Petitioner's claim.

4. Learned Counsel for Respondent No. 3 / HBL stated that an offer of Rs.200,000/- was made to the Petitioner by JIL, when the matter was pending before the Federal Ombudsman for Insurance. He states that however the Petitioner did not accept the same and remained belligerent in his attitude. Even today, Counsel for Respondent No. 3 stated that he could perhaps contact JIL / Respondents No. 2 & 4, and even try to increase payment of the Petitioner to Rs.500,000/-, whilst at the same time vehemently maintaining this would be purely a charitable act of good will, as the Respondents do not owe the Petitioner any monies under law. He submitted this offer is only being considered by way of reaching an amicable solution, as the Petitioner is appearing in person and has stated that he is in need of funds. Even this proposal was outrightly rejected by the Petitioner today.



5. We have heard all Parties who are present, along with the learned DAG, and have found this Petition to not be maintainable. There are severe disputed questions of fact, such as whether or not the Petitioner even had a valid insurance policy at the time he lodged his claim? and whether or not he had paid the Respondent No. 4 / JIL complete funds etc.?
6. The Petitioner having appeared before the Ombudsman, then failed to pursue the proper further course of remedy available to him under sections 13 or 14 of the Federal Ombudsman Institutional Reforms Act, 2013 ("**the Act**"), which he should have done. Instead, he directly approached this Court in its Constitutional Jurisdiction. Moreover, damages cannot be assessed and granted by this Court under its Constitutional Jurisdiction, as has been claimed by the Petitioner.
7. When questioned, the Petitioner did not provide any rationale or explanation as to why he has did not follow the statutory remedies under the Act, nor was he able to assist this Court. He was also unable to understand that this Court cannot delve into factual disputes in its Constitutional Jurisdiction.
8. Accordingly, this Petition is dismissed. However, the Petitioner may avail any appropriate remedy available to him under the Federal Ombudsman Institutional Reforms Act, 2013, and/or any other law, subject to all just exceptions. However, as an indulgence, we condone the time periods spent litigating before this Court, and the same should be excluded when calculating limitation, in the event the Petitioner pursues any review / representation under that Act.

  
JUDGE

  
JUDGE

  
8/4/2025