

ORDER SHEET
**IN THE HIGH COURT OF SINDH
CIRCUIT COURT HYDERABAD**

C.P. No.S-50 of 2024

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders as to non-prosecution of main petition as notices not issued as cost and copies have not supplied by the counsel for petitioner.

04-03-2024

Agha Ghulam Abbas advocate for petitioners.

Ms. Urooj Fatima Bhutto Assistant A.G. Sindh along with Inspector Mir Muhammad Kaloi SHO PS Dehi, District Badin.

Amjad Ali Sahito, J:- In the instant petition, the petitioners namely Mst. Ali Zoha and Farooq Ahmed have stated that they have married to each other on account of their freewill and consent; however, this un-ceremonial marriage has antagonized the parents of lady petitioner, as such, the petitioners are apprehending danger to their lives. When this petition was presented before the Court on 01.02.2024, following order was passed:-

“1. Urgency disposed of.
2. Deferred for the time being.
3. Granted subject to all just exceptions.
4&5. Counsel for petitioners submits that petitioner No.1 (Mst. Ali Zoha) being adult and sui juris has exercised her right of free will and has contracted free will marriage with petitioner No.2 (Farooque Ahmed) out of her own free will and accord. However, due to said un-ceremonial marriage, the petitioners are apprehending imminent danger to their lives at the hands of private respondents, hence finding no alternate remedy approached this Court through this petition and pray for legal protection as guaranteed by Constitution of Islamic Republic of Pakistan, 1973.
Be that as it may, let notice be issued to the respondents as well as learned A.A.G and A.P.G for 04.03.2024. Meanwhile, petitioners shall not be arrested, if any, F.I.R is registered against them. The official respondents No.3 and 4 are directed to ensure that no untoward incident is occurred and provide protection to the petitioners. Copy of order shall be sent to respondents No.2 for compliance.”

2. Today, the office note made on the diary sheet of this file shows that the petitioners have failed to deposit the cost and supply copies of the petition for issuance of notices. However, learned counsel for the petitioners requests time to deposit the cost and provide copies. Time is allowed.

3. The office has informed that only in the Circuit of this Court at Hyderabad in the Constitutional Petitions, Criminal Miscellaneous and Revision Applications, the parcel containing notices along with annexure are sent to the parties/litigants and different Government Departments through Urgent Mail Service, Registered Post A/D, as well as other Courier Services etc. and due to inflation they are paying more than Rs.100,000/- per month as an expenditure only for issuance of the process/notice. The office has also informed that there is expenditure of Rs.40/- on ordinary notice with extra cost for the envelope(s), Rs.150/- on 20 grams for Urgent Mail Service; parcel upto 1 kilogram Rs.225/-; parcel about 1 kilogram to 3 kilogram Rs.345 and registered post upto 20 grams as Rs.80/-.

4. It is notable here that the lives of the petitioners are at danger despite that on account of failure to deposit the cost for issuance of process, the notices could not be issued to the opposite party/police officials. It shows that a maximum number of peoples are affected from the high raise to the prices/inflation.

5. This is an old communication system for which heavy cost is incurred by the Government as well litigants in Constitutional Petitions, Criminal Miscellaneous and Revision Applications in the prevailing high raise to the prices/inflation. Certainly, at present the notices are being served upon the litigants/officials of various Government Departments through Courier Services, police officials and Bailiffs of the Courts, which expend a heavy financial cost. In order to save the finance of the Government and litigants being incurred only for letting to know about the proceedings to the litigants, it is inevitability need to utilize the services through modern devices for communication. As such, some steps can be helpful to minimize the huge cost for the services of notices i.e. by using (a) Whatsapp, (b) E-mail, (c) Cellular phone and (d) Focal person of each Government Department.

6. In view of above circumstances, Chief Secretary/Secretaries of all departments, Government of Sindh are directed to appoint a Focal Person from each Department by providing whatsapp number/email address to ensure the service by using the above modern devices for the service upon litigants/officials. There is also system in the Police Department as

the police officers/officials whose attendance is required in the proceedings are being conveyed by the Prosecution Department. However, in order to save finance and consumption of time, Inspector General of Police, Sindh is also directed to ensure the appointment of a Focal Person from each District of province Sindh by providing whatsapp number/email address.

7. The Chief Secretary/Secretaries of all departments, Government of Sindh and Inspector General Police, Sindh are directed to collect Cellular/Whatsapp numbers and email addresses of all the officers/officials serving in the Government Departments/Police Department for communication to them as and when the attendance of those officials/officers is required by the Courts and submit such list before this Court in shape of soft and hard copy through Additional Registrar of this Court on or before the next date of hearing. They shall also ensure that the Cellular Mobile Phone/Whatsapp number provided to this Court shall be “**ON**” and would not be switched off.

8. It is made clear that if service through modern devices is made upon any of the officers/officials and on receipt of notice on whatsapp the ticks become blue, on email ‘message received’ and communication made on cellular phone then the service would deem to have held good in view of Article 164 of Qanun-e-Shahdat Order, 1984.

To come up on **25.03.2024**.

Copy of this order be sent to the Chief Secretary/ Secretaries of all departments, Government of Sindh as well as Inspector General Police, Sindh through fax for compliance.

JUDGE