

ORDER SHEET
THE HIGH COURT OF SINDH KARACHI

Suit No. 1246 of 2007

[Muhammad Sulaiman v. Pakistan International Airlines Corporation & others]

DATE

ORDER WITH SIGNATURE OF JUDGE

17-04-2024

Mr. Muhammad Aqil Awan, Advocate for the Plaintiff.
Mr. Munawar Juna, Advocate for the Defendants.

Adnan Iqbal Chaudhry J. - CMA No. 4512 of 2024 is an application by Mr. Muhammad Aqil Awan Advocate praying that I should recuse myself from hearing cases in which he appears as counsel. The reason for that, as per the application, is that I have decided two matters against him, one a constitution petition as part of a Division Bench, and the other an injunction application in a suit. Learned counsel submits that both the orders were erroneous. He then proceeded to narrate the facts and submissions in those cases. After giving him some deference as he is a senior counsel, I had to remind him that I was neither the appellate court for those cases nor sitting in review. Learned counsel then attempted to introduce a novel proposition into the Legal Practitioners and Bar Councils Act by submitting that if a Judge can decide to recuse himself from a case, then counsel should also be able to choose the Bench for his case. With these arguments which do not allege bias, learned counsel seeks to distinguish the order dated 30.03.2022 in Suit No. 1634/2009 (*Humera Jabeen v. Muhammad Arshad*) passed by this Bench declining a counsel's application to recuse.

Heard learned counsel. It is settled law that it is for the Judge himself to determine whether to recuse from a case or not. Here, I am being urged by a counsel to recuse myself from hearing his cases because he is dissatisfied with judicial orders passed by me in two of his cases. If a Judge were to recuse himself each time his judgment displeases a counsel, there may not remain a counsel before him for

each judgment is likely to displease at least one counsel. Suffice to state that if the party against whom the aforesaid orders were passed is aggrieved, the law provides him/her the remedy of an appeal. The application is dismissed.

JUDGE

*PA/SADAM