

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C. P. NO. D-546 & 558 / 2025**

Date

Order with signature of Judge

**PRIORITY.**

- 1) For orders on Misc. No. 3989/2025.
- 2) For orders on Misc. No. 3990/2025.
- 3) For hearing of Misc. No. 2929/2025.
- 4) For hearing of main case.

**25.02.2025.**

Mr. Sohail Hameed, Advocate / Petitioner in person  
in C. P. No. D-546 / 2025.

Mr. Ashfaq Ahmed for Mr. Muhammad Ali Lakhani  
Advocate / Petitioner in person in C. P. No. D- 558/2025.

Mr. Naeem Akhtar Talpur, Additional Advocate General.  
M/s. Ameer Bakhsh Metlo, Abdul Rashid Rajar,  
Muhammad Imran Ali, Advocate for Respondents.

Mr. Sarfaraz Ali Metlo President (SHCBA) a / w Athar Hussain,  
Atiya Manzoor, Muhammad Ayub Channa and Adela Ansari,  
Advocates for Interveners.

Mr. Kazim Hussain Mahesar Vice President KBA / Intervener.

Mr. Ghulam Rehman Korai, General Secretary, KBA.

Mr. Irshad Ali Shar, President Malir Bar Association.

Mr. Ayaz Chandio, General Secretary, Malir Bar Association.

Mr. Ghulam Asghar Pathan, Advocate for Intervener.

M/s. M. Faisal Khan & Taya Chand MMC.

Mr. Khair Muhammad Ghas, Deputy Secretary Litigation,  
Provincial Assembly of Sindh for Respondent No. 3.

Dr. Liaquat Ali Abro & Mr. Nadeem Ahmed Qureshi, Law Officers,  
Law Department Government of Sindh.

Though notice has been ordered by a learned Division Bench of this Court on 12.02.2025 including a notice to the Advocate General Sindh in terms of Order 27A CPC; however, at the time of filing of these Petitions and passing of the said order, the impugned action was only to the extent of a Bill proposing certain amendments in the Sindh Civil Courts Ordinance, 1962 and was not an Act of the Provincial Legislature. It seems that due lack of proper assistance notice has been issued to the Respondents as well as Advocate

General, and not only this, various applications under Order 1 Rule 10 CPC have also been filed by certain interveners. We need not reiterate that unless a Bill has been duly approved and passed by the Legislature in the form of an Act, the same does not come in to force and has no legal effect.

The Petitioners seek to impugn the conduct of the executive in preparing legislation before it has been enacted by the Provincial Legislature. Clearly, if the legislation had been enacted, the Petitioners remedy would have been to challenge its constitutionality, but they have not waited for this to happen. Instead, an attempt has been made to obstruct the executive's authority i.e. initiation of legislation – which is part of the legislative process. At the time of filing of these petitions, this Court was approached to consider a matter that was pending before the Provincial Assembly; thus, being asked to intervene before they have concluded their work. To invoke this Court's jurisdiction under Article 199 of the Constitution, it was required for the Petitioners to first establish that they are aggrieved of what is being debated in the Provincial Assembly, and only then court can be approached for appropriate relief in relation to the actual or threatened infringement of any right(s). Admittedly, such an occasion had not arisen when this Court was approached. The relief sought in these petitions will not be appropriate unless it is effective, and that can only be, when a bill has been passed and approved as an Act. Finally, this practice of entertaining Petitions or challenge against a proposed Bill has been deprecated by the Hon'ble Supreme Court in an unreported Judgment in respect of Practice & Procedure Bill, 2023, in the case of *Raja Khalid*<sup>1</sup>. An argument was also made that now the Bill has been passed; however, even in that case, the same is still not under challenge before us in any manner, including any application for amending the petitions.

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<sup>1</sup> C. P. No. 06 of 2023 (Raja Amer Khan & another V. Federation of Pakistan).

In view of the above, both these Petitions being premature and without any cause of action are misconceived, hence; stand ***dismissed*** along with pending applications, whereas the Petitioners are warned to be careful in future. However, once the Bill has become an Act duly passed and approved by the Provincial Legislature, the Petitioners are at liberty to seek any remedy as may be available to them in accordance with law. Office to place copy of this order in connected file.

**ACTING CHIEF JUSTICE**

**J U D G E**

Arshad/