

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D-5609 / 2025

Date

Order with signature of Judge

FRESH CASE

- 1) For orders on CMA No. 23465/2025.
- 2) For orders on office objection No. 1 to 5.
- 3) For orders on CMA No. 23466/2025.
- 4) For hearing of main case.

19.11.2025.

M/s. Ali Tahir and Mohammad Hashim,
Advocates for Petitioner.

- 1) Urgency granted.
- 2) In reply to office objection No. 1, learned counsel submit that *vires* of an Ordinance can be examined under Article 199 of the Constitution of Pakistan. Reply accepted. Office objection No. 1 is overruled. Office objection No. 2 is misconceived and overruled.
- 3) Exemption granted.
- 4 & 5) The petition is brought in the public interest by an Advocate to question the *vires* of the “*Constitutional Benches of High Court of Sindh (Practice and Procedure) Ordinance, 2025*” recently promulgated by the Acting Governor. It is submitted *inter alia* that Article 6 of the Ordinance, which declares that refusal by a Judge to accept nomination to the Constitutional Bench will “prima facie amount to misconduct”, is beyond the legislative competence of the Provincial Assembly and consequently the Governor, so also *ultra vires* Articles 202-A and 209 of the Constitution of Pakistan. It is further submitted that Article 128 of the Constitution envisages that the power of the Governor to promulgate an Ordinance is not a substitute for an Act of the Provincial Assembly and is to be exercised in matters involving urgency as observed by the Supreme Court in *Pakistan Medical and Dental Council v. Muhammad Fahad Malik* (2018 SCMR 1956).

Points raised require consideration. Issue notice to Respondent 1 & 3 only and the Advocate General Sindh under Order XXVIII-A CPC for
27.11.2025.

J U D G E

Arshad/

J U D G E