ORDER SHEET

IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. D-4543 of 2023

Date	Order with signature(s) of Judge(s)

For orders as to non-prosecution.

12th November, 2026.

None present for the petitioners.

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Perusal of the record reveals that instant petition was instituted on 17.08.2023. Since its institution, neither petitioners nor their counsel have taken any steps to remove the office objections raised in the matter, nor has anyone appeared on their behalf to address the same. Despite the passage of almost three years, office objections have remained unattended, reflecting a complete lack of diligence and seriousness on the part of the petitioners and their learned counsel in pursuing the instant proceedings.

It may also be noted that office has also failed to place the matter before the Court for appropriate orders regarding non-prosecution or for any other necessary directions. Surprisingly, after remaining unattended for almost three and a half years, the matter, for the first time, has been placed before the Court today, without any explanation whatsoever for such an extraordinary and unexplained delay on the part of the office. Today, despite repeated calls, nobody has appeared on behalf of the petitioners to pursue the matter or explain their continued failure to remove the office objections.

The conduct of the petitioners and their counsel is wholly unacceptable and reflects gross negligence, lack of diligence and disregard for the sanctity of judicial proceedings. It appears that petitioners have either achieved the purpose for which instant petition was instituted or have otherwise lost interest in pursuing the same. A litigant who invokes extraordinary constitutional jurisdiction of this Court is under an obligation to pursue the proceedings with due diligence and cannot be allowed to institute proceedings and thereafter abandon them at their convenience, keeping the Court's docket occupied indefinitely. Equally, the Advocates filing petitions before this Court are expected to discharge their professional obligations with responsibility and ensure that the matters entrusted to them are diligently pursued, office objections are removed within a reasonable time and the proceedings are not left unattended. The filing of a petition cannot be treated as the discharge of one's responsibility; rather, it entails a continuing obligation to pursue the proceedings until their lawful conclusion.

It may be noted that failure of the concerned office to place the matter before the Court for almost three and half year is neither understandable nor condonable. The office is not expected to remain a passive custodian of pending files; rather, it is under an institutional obligation to maintain effective supervision and monitoring of all pending matters and to ensure that cases requiring judicial orders are timely brought to the notice of the Court. The failure to place matters involving unattended office objections before the Court defeats the very purpose of

judicial case management and creates an unwarranted accumulation of dormant proceedings. Accordingly, the concerned office is hereby directed to maintain an updated and comprehensive record of all pending matters in which office objections have been raised but remain unaddressed. A proper monitoring mechanism shall be put in place to ensure that such matters are identified and placed before the Court within a reasonable time for appropriate orders, instead of being allowed to remain unattended for indefinite periods. The office shall also ensure periodic scrutiny of pending files and shall fix responsibility in cases where delay or omission occurs due to negligence, in accordance with the applicable rules and administrative instructions. The concerned office is cautioned that recurrence of such lapses shall be viewed seriously and may invite appropriate administrative action.

Furthermore, the Advocates filing petitions before this Court are reminded that they bear a professional and ethical obligation to diligently pursue the proceedings instituted at their instance. They must ensure that office objections are removed within the prescribed or reasonable time and that the matters entrusted to them are properly followed up. Repeated failure to attend proceedings, remove objections or take necessary steps to prosecute a petition cannot be countenanced. Learned Advocates are directed to ensure that no proceedings instituted on behalf of their clients are abandoned or allowed to remain dormant on account of their inattention or negligence. The mere filing of a petition does not confer upon a litigant an entitlement to keep the matter pending indefinitely without taking any steps towards its prosecution.

In view of the foregoing, and in the absence of any appearance on behalf of the petitioners despite repeated calls, no justification is forthcoming for keeping instant petition pending. The same is, therefore, dismissed for non-prosecution, along with all pending applications, if any.

Let a copy of this order be placed before learned Registrar of this court for circulation amongst the offices/branches of this court for strict compliance of above directions.

Judge
Head of Const. Benches

Aamir/PS

Judge