

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

Suit No. 1706/2012

Plaintiff : Dr. Samrina Hashmi  
Through Mr. Akhtar Hussain,  
advocate.

Defendant No.1 : Pakistan Medical Association, (Centre)

Defendant No.2 : Pakistan Medical Association,  
(Karachi Branch)

Defendant No.3 : Dr. Tipu Sultan,

Defendant No.4 : Dr. Mirza Ali Azhar,

Defendant No.5 : Dr. Sher Shah Syed,  
Mr. Shahzeb Akhter, Advocate.

Date of hearing : 26.3.2015

**ORDER**

**NAZAR AKBAR, J.** Defendant No.1 has filed two contempt applications, first CMA No.5251/2013 was filed on 27.4.2013 alleging that Dr, Samrina Hashmi (Plaintiff) has violated the order dated 18.12.2012 and second CMA No.11700/2013 was filed on 21.10.2013. In the second application, Editor, daily Jang has also been accused alongwith the Plaintiff for committing contempt of Court order of the same date. The order alleged to have been violated is as follows:-

Notice to the Defendants for 31.12.2012. Till the next date resolutions dated 30.11.2012 and 10.12.2012, are suspended but the Plaintiff shall not hold herself out as an office bearer of PMA (Sindh) to any third party or person but shall however be allowed to function as such at any

duly called or constituted meeting of PMA (Sindh) or PMA (Karachi).

2. The Plaintiff has filed counter affidavit to this application and even rejoinder has been filed. The Editor, Jang as contemnor in CMA No.11700/2013 has not filed any counter affidavit. However, Dr.Samrina, the second contemnor in CMA No.11700/2013 has almost repeated earlier contentions in her counter affidavit since the allegations are also the same. Learned counsel for the Defendant No.1 has repeatedly stressed on the underlined portion of the order reproduced above. He has filed a public notice issued by the Plaintiff in the capacity of the President of PMA (Sindh) in daily Jang dated 23.12.2013 informing public at large that the earlier publication of a public notice appeared in daily Jang dated 15.12.2013 issued by PMA (Center) about the Plaintiff has no bearing on her status as President of PMA (Sindh). He has also referred to news clippings of daily Dawn dated 21.4.2013, 20.3.2013, 3.2.2013 and also of daily Jang dated 24.1.2013, 28.1.2013 and 27.2.2013 and contended that all these news clippings show that she has held herself out to the third party as President PMA (Sindh) and thereby she has breach the order obtained by her on her own application.

3. In her counter affidavit, the Plaintiff has denied that this is violation of the order because she has not willfully and deliberately represented herself as the President of PMA (Sindh) to anyone. It is already known to all the media

persons that she is President of PMA (Sindh) and the nature of news items was such that reporter approached her and as known vocal leader of doctors she responded and therefore, media has mentioned her designation in the news item to give credibility to story of the newspaper. Her position in newspaper has not been mentioned at the instance of the Plaintiff herself.

4. In my humble view the addition of "Editor" of daily Jang as one of the contemnors in the second contempt application CMA No.11700/2013 after going through her counter affidavit to CMA # 5281/2013 confirms her stand. In second contempt application, Defendant No.1 has not disclosed the name of contemnor No.1 and only designation has been mentioned. When confronted with the question that how contempt proceeding can be initiated against an unidentified person as the name of the contemnor No.1 has not been shown in the application, learned counsel for Defendant No.1 sought time to find out name of the editor, daily Jang to identify contemnor No.1 after almost one year and three months of filing of the contempt application. Irrespective of the fact that name was not mentioned, he was unable to point out from the order dated 18.12.2012 that how the said order has been violated by contemnor No.1 when he was not even party to the proceedings and there wasn't any specific direction to the media regarding the plaintiff while referring to her in discharge of their duty as reporter / editor

/ publisher. Therefore, irrespective of the fact that no one was identified in the contempt application as contemnor No.1, I do not think by giving the name of editor, the case of contempt even prima facie be made out, against the Editor, daily Jang, Karachi.

5. In view of the above factual position, I believe the explanation offered by the Plaintiff appears to be plausible. In future she would not be able to represent herself as President of PMA (Sindh) since her tenure to hold the office has already expired and even the order complained against is no more in the field since the said order was on CMA No.13376/2013 which has already been merged in the final order dated 02.12.2013 whereby her application for interim order had already been dismissed. These are the reasons for the short order dated 26.3.2015.

Karachi  
Dated:\_\_\_\_\_

**JUDGE**

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DATE                      ORDER WITH SIGNATURE(S) OF JUDGE(S)  
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For hearing of CMA No.2081/2015

26.03.2015

Mr. Akhtar Hussain, advocate for the Plaintiff.  
Mr. Shahzeb Akhter, advocate for the Defendants.

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By consent listed application is allowed and the order dated 10.2.2015 whereby CMA No.5251/2013 and CMA No.11700/2013 were dismissed for non-prosecution stand restored on the condition that today the counsel for the Defendant will argue the two restored applications. Since he has argued two restored applications CMA No.2081/2015 stand disposed of.

Arguments heard. CMA No.5251/2013 and CMA No.11700/2013 are dismissed, reasons to follow later on.

JUDGE

SM