

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Saleem Jessar;
Mr. Justice Abdul Hamid Bhurgri.

C.P No.D-6141 of 2026

[M/s New Vision Traders v. Federation of Pakistan and another]

Petitioner : Through Mr. Muhammad Ali Phulpoto, Advocate.

Respondents : Nemo.

Date of Hearing : 22.09.2026

Date of Order : 22.09.2026

ORDER

Abdul Hamid Bhurgri, J.- Through instant Constitution Petition, the petitioner has prayed for the following reliefs:-

- a) To direct the respondent No.2 & 3 to comply the status quo order dated 28-04-2026 and further comply the directions/order dated 05-08-2026 passed by the learned Court of VIth Senior Civil Judge Karachi South and restore the possession of the property i.e. property measuring approx. 12971 sq. feet located at (covered area 1254 sq. feet & open area 11717 sq. feet) PTCL (Closed/OSS) Wireless Compound, Plot No.196, Opp. JPMC, PTCL Staff Colony, Liaquat Barracks, Rafiqui Shaheed Road, Karachi to the petitioner with immediate effect.
- b) To direct the respondent No.2 & 8 to perform their official duties in accordance with law and not take the law in their hands and the respondent No.2 & 3 have no any legal entity to demolish and occupy the property i.e. property measuring approximate 12971 sq. feet located at (covered area 1254 sq. feet & open area 11717 sq. feet) PTCL (Closed/OSS) Wireless Compound, Plot No.196, Opp. JPMC, PTCL Staff Colony, Liaquat Barracks, Rafiqui Shaheed Road, Karachi of the petitioner, in presence of Status Quo order dated 28-04-2026 passed by the Court VIth Sr. Civil Judge Karachi South, in Civil Suit No.11691/2025.
- c) To pass an order to conduct departmental inquiry against the respondent No.2 & 3 and other involved persons, for demolishing the construction, occupy the property, theft the valuable articles/items of the petitioner from the said property i.e. property measuring approx. 12971 sq. feet located at (covered area 1254 sq. feet sq. feet & open area 11717 sq. feet) PTCL (Closed/OSS) Wireless Compound, Plot No.196, Opp. JPMC, PTCL Staff Colony, Liaquat Barracks, Rafiqui Shaheed Road, Karachi of the petitioner, in presence of Status Quo order dated 28-04-2026 passed by the Court

of VIth Sr. Civil Judge Karachi South, in Civil Suit No.11691/2025.

- d) To direct the respondent No.2 & 3 return all the articles/belongings worth millions of rupees i.e. Medicines, edible items, furniture, fittings, fridge, freezer, AC & other articles to the petitioner as per inventory list attached with the petition or alternatively its value Rs.250,00,000/-.*
- e) To take strict legal action against the respondent No.2 & 3 and other involved persons for non compliance the directions and violating the status quo order dated 28-04-2026 passed by the Court VIth Sr. Civil Judge of Karachi South, in Civil Suit No.11691/2025.*

2. Learned counsel for the petitioner submits that the learned VIth Senior Civil Judge, Karachi South, in Civil Suit No.11691 of 2025, passed an order dated 28.04.2026 directing maintenance of status quo in respect of the subject property. According to him, despite the said order and a subsequent order dated 05.08.2026, the respondents allegedly demolished the construction, dispossessed the petitioner and removed its articles from the premises. On such premise, the petitioner has invoked the constitutional jurisdiction of this Court essentially seeking enforcement and implementation of the orders passed by the learned Civil Court, restoration of possession, return of articles and action against the respondents for the alleged disobedience thereof.

3. We have heard learned counsel for the petitioner and examined the material available on record. At the outset, learned counsel was confronted as to the maintainability of the instant petition, particularly when the Civil Court is already seized of the dispute and the grievance now raised before this Court substantially pertains to the alleged violation and non-compliance of the orders passed by that very Court. Learned counsel could not satisfy us as to why the remedies available before the learned Civil Court have not been pursued or why the extraordinary constitutional jurisdiction of this Court should be invoked for enforcement of an interlocutory order passed by a subordinate Civil Court.

4. The jurisdiction of this Court under Article 199 of the Constitution is extraordinary and is not intended to provide a parallel mechanism for execution, implementation or enforcement of orders passed by a competent Civil Court, particularly where the law itself

provides an adequate and efficacious remedy before the Court which passed the order. In case of alleged disobedience or breach of an injunction, the Code of Civil Procedure, 1908, including the mechanism contemplated under Order XXXIX Rule 2(3), CPC, provides the remedy before the Court granting such injunction. The inherent powers of the Civil Court under Section 151, CPC, where otherwise attracted, also remain available for securing the ends of justice and preventing abuse of the process of Court. Constitutional jurisdiction cannot ordinarily be invoked to bypass such remedies or to convert this Court into a forum for supervising compliance with interlocutory orders passed in pending civil proceedings.

5. Even otherwise, the reliefs sought by the petitioner, including restoration of possession, return of movable articles allegedly removed from the premises or payment of their asserted value of Rs.25,000,000/-, as well as determination of responsibility for the alleged demolition, dispossession and removal of articles, necessarily involve questions of fact which appropriately fall for consideration before the competent forum on the basis of the material and evidence produced by the parties. Such matters cannot conveniently be determined in the summary jurisdiction under Article 199 of the Constitution, particularly when the underlying civil dispute is already sub judice before the competent Civil Court.

6. We are, therefore, of the considered view that no case is made out for exercise of extraordinary constitutional jurisdiction by this Court. The petitioner, if aggrieved by any alleged breach or non-compliance of the orders passed in Civil Suit No.11691 of 2025, may avail such remedy as is available to it before the learned Civil Court or any other competent forum, strictly in accordance with law. Needless to clarify that we have expressed no opinion whatsoever on the merits of the pending suit, the alleged violation of the orders passed therein, or the competing claims of the parties in respect of the subject property.

7. Consequently, this Constitution Petition, being misconceived is dismissed in limine, along with all listed applications, if any, leaving the petitioner at liberty to avail the remedy available under the law before the competent forum.

8. Before parting, we observe that invocation of constitutional jurisdiction for enforcement of orders passed by subordinate Courts, despite availability of an adequate remedy before the Court concerned, unnecessarily results in multiplicity of proceedings. Such practice ought to be discouraged. Although the circumstances could justify imposition of costs, we refrain from doing so in the present case and leave the matter with the above observations.

JUDGE

JUDGE
HEAD OF CONST. BENCHES

Ayaz Gul