

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

Constitution Petition No. S-97 of 2026  
*'Ashfaq Ali Phulrawan v. Mst. Shaista Jabeen'*

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Date: \_\_\_\_\_ Order with Signature of Judge \_\_\_\_\_  
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1. For orders on office objection 'A'
2. For orders on M.A. 228/2026
3. for hearing of main case

**14.05.2026**

Mr. Zaib Hussain Pathan Advocate, along with the petitioner.

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1. The Order dated 16.01.2026 passed in Family Appeal No.06/2026 by learned Additional District Judge-IV Larkana, and the Order dated 18.08.2025 passed by learned Family Judge-I Larkana in Family Suit No.59/2025 [**impugned Orders**] have been assailed in this petition. The record reflects that a Suit for recovery of maintenance of the respondent/wife and the minor, and for recovery of dowry articles was filed by the wife against the petitioner, whereafter the matter was fixed for Pre-Trial proceedings on 18.08.2025. On the said date, during Pre-Trial proceedings, the learned trial Court passed an Order with respect to the payment of monthly maintenance, and also for the payment of five Tola gold. Execution Application No.10/2025 was filed by the wife before the learned Family Judge-I, Larkana, wherein on the basis of a Statement filed by counsel for the wife, an Order dated 22.01.2026 for blocking of C.N.I.C. of the petitioner was passed. Owing to extreme urgency, counsel for the petitioner has also filed today an Application under section 151 CPC. for unblocking of the petitioner's CNIC., and office is directed to allot CMA number to the same.

2. Learned counsel has vehemently argued that firstly, on the day of Pre-Trial proceedings, the learned Judge has practically decreed the suit, though such an Order could not have been passed with respect to the final claim of the Respondent/ wife, without allowing an opportunity of trial to the Petitioner/ husband. Secondly argued that the statement submitted by the petitioner before the learned Family Judge was only to the extent of maintenance of the minor and no commitment with respect to the five tola gold was made, yet the learned Family Judge proceeded to pass the Order/decreed in respect of such unadmitted claim as well. His third line of argument was that even otherwise, the blocking of CNIC. of the petitioner and attachment of his bank account in the above circumstances were beyond the scope of the Family Courts Act 1964, nor provided under the Civil Procedure Code 1908, and the same was also against the fundamental rights of the petitioner/ husband as guaranteed under the Constitution of the Islamic Republic of Pakistan 1973. Further argued that by such a drastic Order, without hearing the petitioner and without any statutory support, the lives of the petitioner and his family members have

come to a complete stand-still. Per learned counsel, such a drastic Orders, while the instant petition was *sub judice* before this Court against the impugned Judgment, further nullify the right of a fair trial, as guaranteed under Article 10-A of the Constitution of Pakistan 1973.

3. Heard and perused.

4. The Honourable Supreme Court in the case of *Agha Abid Majeed*<sup>1</sup> has held that no provision exists in the Civil Procedure Code 1908 (as applicable in the Province of Sindh) for blocking of CNIC of a Judgment Debtor for implementation of a Decree.

5. In *Askari Commercial Bank Ltd.*<sup>2</sup> and *Hafiz Hamdullah Saboor*<sup>3</sup> the consequences of suspension or blocking of CNIC were recorded, as virtually halting the life of the affected person, and denial of exercise of his fundamental rights to education, health, employment, trade, business or profession, denial of access to bank accounts, and adversely affecting his family members as well.

6. In the cases of *Zafar Hasan Khan*<sup>4</sup>, *Abdul Basit Zahid*<sup>5</sup> and *Precision Engineering Ltd.*<sup>6</sup>, it was observed that even a warrant of arrest could not be issued routinely under section 51 of the Civil Procedure Code [CPC] without fulfilling certain mandatory prerequisites. It was also observed that the implications of blocking a citizen's CNIC are more severe than the issuance of a warrant of arrest under Section 51 C.P.C.

7. In *Hafiz Awais Zafar's case*<sup>7</sup> such an act was declared, as infringing the fundamental rights of a citizen [Article 8 to 28], including the rights to identity, Life, and security under Articles 9 and 14 of the Constitution of Pakistan, and being derogatory to the Universal Declaration of Human Rights.

8. In the cases of *Abbu Hashim, Muhammad Umar* and *Syed Hasamuddin*<sup>8</sup>, Courts have discouraged routine blocking of CNIC, even under section 18 of the NADRA Ordinance 2000.

9. Lastly, in *Khurram Iftikhar's case*<sup>9</sup> the act of CNIC blocking was also found devoid of any provision, even under the Criminal Procedure Code. [Cr.PC.].

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1. '*Agha Abid Majeed v. Idrees Ahmad and others*' Order dated 19.09.2024 in unreported Civil Petition No. 3744/2023
  2. '*Askari Commercial Bank Ltd. vs. A.H. International (Pvt.) Limited*' unreported Order dated 23.09.2025 in Banking Execution Application No.25 of 2012.
  3. '*Hafiz Hamdullah Saboor v. Government of Pakistan through Secretary Ministry of Interior, Islamabad and 2 others*' (PLD 2021 Islamabad 3056),
  4. '*Zafar Hasan Khan and 2 Others V. Habib Bank Limited*' (2024 CLC 1068).
  5. '*Abdul Basit Zahid and another V. Modaraba Al-Tijarah and another*' (2002 CLD 46)
  6. '*Precision Engineering Ltd. and others v. The Grays Leasing Limited*' (PLD 2000 Lahore 290).
  7. '*Hafiz Awais Zafar v. Judge Family Court*' (PLD 2022 Lahore 756)
  8. '*Abbu Hashim and another v. Federation of Pakistan through Secretary, Ministry of Interior and 2 others*' (PLD 2021 Sindh 492) '*Muhammad Umar v. Federation of Pakistan, through Secretary, Ministry of Interior, Islamabad and 2 others*' (PLD 2017 Sindh 585); '*Syed Hasamuddin v. Federation of Pakistan*' (2018 MLD 1748).
  9. '*Khurram Iftikhar v. Province of Sindh and others*' in unreported case of CP.No.D-269/2024 Order dated 15.05.2024.

10. Considering the above principles, serious and formidable questions on Jurisdictional error, fundamental rights, fair trial and lack of admission on Constitutional, legal and factual plain have been raised by the Petitioner's side. This petition is therefore admitted for regular hearing. Let notices be issued to the Respondent through the first three modes for 11.08.2026 on the main petition and on these applications as well. In the meanwhile, operation of the impugned Orders dated 18.08.2025 and 22.01.2026 is suspended until hearing of this petition on the legal aspects as recorded above and other submissions on the main case to be made by the parties. Office is directed to send copies of this Order to the learned Executing Court and the concerned NADRA authorities for effective and immediate unblocking of CNIC and implementation, with directions to file Compliance Reports to be filed with this Court within seven (07) working days of receipt of this Order.

**JUDGE**