IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

1st Civil Appeal No. S-22 of 2024

Appellants	:	1) Sukkur IBA University, through its authorized person/Registrar Azhar Ali s/o Zaffar Ali, Soomro 2) Prof. Dr. Mir Muhammad Shah s/o Syed Juman Shah The then Vice Chancellor Sukkur IBA University 3) Engr. Zahid Hussain s/o Fazal Khan, Khand Presently serving as Vice Chancellor Aror University Sukkur, The then Registrar, Sukkur IBA University Represented by Mr. Muhammad Uzair Shaikh, Advocate
Respondent	:	Bakhtawar d/o Khamiso Khan, Soomro (Appearing in person)
Date of hearing	:	26.01.2026
Dated of decision	:	12.02.2026

J U D G M E N T

KHALID HUSSAIN SHAHANI, J.— This appeal is directed against the judgment and decree dated 17.04.2024 passed by the learned trial Court whereby the appellants' suit for damages on the basis of alleged defamation came to be dismissed. The lis necessitates an exposition of the statutory scheme of the Defamation Ordinance, 2002, in conjunction with the mandatory regime of pleadings under the Code of Civil Procedure, 1908, and the rules regarding burden and standard of proof under the *Qanun-e-Shahadat* Order, 1984, as also a demarcation of the line separating actionable defamation from grievance-based speech concerning a public institution, a line which can only be located in properly pleaded facts and duly proved content rather than impressionistic narrative.

2. The plaint does not set out the verbatim transcript of the alleged press conference, nor does it annex or reproduce the precise defamatory words said to have been spoken or disseminated through any video clip or publication. It proceeds instead on a descriptive narration that the respondent "staged" a press conference, "levelled false, untrue, frivolous, baseless and fabricated

allegations" against the appellants, allegedly naming appellant Nos.2 and 3 (Vice-Chancellor and Registrar), and that a recorded video "against Sukkur IBA University at Mosque" was prepared with the object of tarnishing the institutional and managerial reputation. The pleading is replete with adjectival characterisations such as "false", "baseless", "fabricated", "defamatory", "malicious", "ulterior motives", followed by assertions of ridicule, contempt, hatred, erosion of public trust and credibility, and lowering of the appellants' esteem in the eyes of the public at large. In effect, therefore, the plaint pleads (i) an alleged course of conduct (press conference / video / electronic media), (ii) the plaintiffs' own description of that conduct as false and defamatory, and (iii) alleged reputational consequences, but it omits, in the form demanded by a defamation action, the actual defamatory words or imputations which constitute the very foundation of the cause of action. This omission is pivotal because, in the law of defamation, the impugned words are not merely "evidence"; they are themselves the fact in issue and the juridical nucleus of the claim.

3. The respondent, in her written statement, set up a multi-tiered defence. At the threshold, she assailed the maintainability of the suit on the plea that the plaint, having failed to plead any specific defamatory words or imputations allegedly uttered or published by her, disclosed no enforceable cause of action within the contemplation of the Defamation Ordinance, 2002. She further raised objections on limitation and non-compliance with the mandatory statutory notice. On merits, she repudiated the allegations of defamation, denied having recorded, published or circulated any defamatory video or material, disowned authorship and legal publication, and asserted that mere participation in or association with a forum does not, in law, constitute publication attributable to her. She also invoked justification and good faith, contending that any expression attributable to her was grievance-driven, bona fide, and aimed at redress and accountability in relation to a public institution, without malice. Additionally, she pleaded that the law of defamation cannot be

deployed as an instrument to muzzle dissent, challenged the claimed quantum of damages as exorbitant, arbitrary and intimidatory, and denied any proof of actual reputational loss.

4. A synoptic appraisal of the pre-litigation narrative reveals that the controversy did not originate as a purely reputational dispute but as a grievance-centric conflict concerning alleged institutional conduct. The material on record portrays an accountability-oriented dispute wherein the respondent endeavoured to highlight perceived wrongdoing or injustice through public fora. The matter was subsequently recast as one of defamation by the appellants in reaction to such grievance articulation. This factual backdrop has legal salience because defamation law scrutinizes not only the injury claimed but, at a prior stage, whether the impugned act is a wrongful, false publication that falls outside the domain of protected grievance-speech, an inquiry which is impossible in the absence of properly pleaded and duly proved content.

5. The learned trial Court, upon framing issues and recording evidence, dismissed the suit. It held, in substance, that the plaint did not disclose the specific defamatory words or imputations; that such defect offended the core norms of pleading and left the cause of action incomplete; that the appellants failed to discharge the *onus* of proof; that the evidence adduced was conclusory and directionless in the absence of pleaded content; that publication and attribution were not brought home to the respondent; and that, on the appellants' own narrative, the dispute essentially pertained to grievance-raising against a public institution, thereby attracting protective exceptions of good faith and public interest in the absence of proof of malicious falsehood. The trial Court also noticed the statutory objections regarding notice and limitation as reinforcing considerations, though not as the exclusive basis of dismissal.

6. The principal thrust of the appellants' submissions before this Court is that the respondent publicly levelled serious allegations against Sukkur IBA University and its senior officers through a press conference and thereafter

through electronic/social media dissemination, constituting defamation per se. It is canvassed that the public character and wide circulation of such statements are sufficient to prove publication and reputational harm, even if the precise wording has not been reproduced in the plaint. The appellants maintain that the respondent specifically named appellant Nos. 2 and 3, thereby satisfying the requirement that the statements be referable to identifiable individuals, and that courts ought not to insist upon what is termed a hyper-technical standard of pleading when public office-holders are named in open forums. It is further argued that reputational injury should be presumed and that no proof of special damage is required under the Defamation Ordinance once defamatory publication is established. It is also alleged that the learned trial Court took an unduly rigid view of pleading defects instead of evaluating the "substance" of the controversy in the light of the entire record, including documents and oral evidence, and that the element of malice and abuse of platform on the respondent's part was not correctly appreciated.

7. Conversely, the respondent, appearing in person, reiterated that the plaint is fundamentally incompetent as it does not plead any specific defamatory words, which is fatal under Order VI CPC and Section 3 of the Defamation Ordinance, 2002; absent pleaded content, no legally cognizable cause of action arises. She denied authorship, publication and circulation, contending that generic allegations of a press conference or viral spread do not *ipso facto* establish legal publication or attribution in her person. She maintained that her conduct, if any, was grievance-based, undertaken in good faith and in public interest, and thus squarely covered by statutory protections. She further submitted that the appellants had failed to discharge the burden of proof under Article 117 of the *Qanun-e-Shahadat* Order, 1984; no defamatory statement was proved and no admission was elicited; subjective perceptions and evaluative conclusions cannot substitute proof of primary facts. She also pressed the objections of limitation and defective statutory notice, and

challenged the claim of Rs.500 million (Rupees 500,000,000/-) as exaggerated, oppressive, evidentially unsupported and intimidatory.

8. In view of the rival contentions, the controversy crystallizes into the following core questions:

(i) *Whether a civil action for defamation is maintainable in the absence of pleading and proof of the exact defamatory words or imputations allegedly uttered or published by the defendant;* and

(ii) *Whether, on the facts of the present case, the learned trial Court was justified in insisting upon such specificity and in dismissing the suit on account of pleading and evidentiary deficiencies.*

9. The record of the case, including the pleadings, issues, evidence and the impugned judgment, has been examined in detail, and the submissions advanced by the learned counsel for the appellants as well as the respondent in person have been given anxious consideration.

10. Order VI Rule 2 CPC codifies the foundational principle that pleadings must contain a concise statement of the material facts constituting the cause of action and not the evidence by which those facts are to be proved. Its purpose is to afford fair notice to the opposite party, to facilitate the precise settlement of issues, and to confine the trial to the real and pleaded controversy between the parties. In actions for defamation, the defamatory statement itself is not mere evidence; it is the primary fact in issue and the substantive element of the cause of action. It follows that omission to plead the actual words or specific imputations alleged to be defamatory does not amount to a mere defect of drafting; it is a failure to disclose a complete cause of action within the meaning of Order VI Rule 2 CPC.

11. Order VI Rule 4 CPC further requires that in all cases involving fraud, misrepresentation, malice or other culpable mental states, full particulars must be pleaded. Defamation actions, by their very nature, impute falsehood, reputational injury and usually malice, and therefore attract the rigour of Rule 4. A plaint that contents itself with saying that “false” or “baseless” allegations were made, without disclosing what those allegations were, fails to satisfy this

mandatory requirement of particulars. Courts do not adjudicate reputational injury in the abstract; they must examine whether specific imputations cross the legal threshold into actionable defamation. In the present case, the appellants have eschewed reproducing or even substantially paraphrasing the actual words alleged to have been spoken, published or broadcast. The pleading relies on adjectival labels including "false", "baseless", "fabricated", "defamatory" coupled with narrative references to a press conference and a video and general assertions of reputational damage. This approach substitutes legal conclusions for material facts. The omission is structural: it leaves unexplained what was said, in what terms it was said to be defamatory, and how it is said to have traversed the boundary from lawful criticism into actionable defamation. Pleadings so framed do not attain the statutory minimum to invoke civil jurisdiction in a defamation action, and the defect thus goes to the root of maintainability.

12. The appellants' complaint that the learned trial Court adopted an "over-technical" view of the matter is misconceived. The obligation to plead material facts is not a matter of technicality but of substantive procedural justice. Courts are not authorised to invent, infer or reconstruct a plaintiff's cause of action outside the four corners of the pleadings. In the specific context of defamation, particularity is indispensable because it is for the Court to determine, on an objective standard, whether the words used bear a defamatory meaning in law; that task cannot be performed on the basis of mere adjectival characterisations supplied by the plaintiff.

13. Publication and attribution are indispensable ingredients of the tort of defamation. Even if one assumes that a press conference took place, civil liability does not arise merely because controversy has entered the public domain. Section 3 of the Defamation Ordinance, 2002 requires a wrongful act or publication or circulation of a false statement or representation in oral, written or visual form which injures reputation. It is only when the content of

such statement is before the Court that falsity and defamatory tendency can be judicially evaluated. Further, without pleading and proving a nexus between the respondent and the act of publication, by way of authorship, adoption or intentional dissemination, the requirement of publication remains unfulfilled. The appellants' reliance on the "public nature" and "wide dissemination" of the alleged speech cannot be a substitute for proof of publication attributable to the respondent; virality does not, by itself, demonstrate that the respondent published or procured publication of the impugned material. Similarly, mere identification of appellant Nos.2 and 3, even if it occurred, cannot cure the foundational absence of pleaded defamatory content; identification becomes a relevant consideration only after a defamatory statement is shown to exist. Naming a person in the context of airing grievances does not, without more, translate into legal defamation. In the present case, both publication and attribution were neither properly pleaded nor proved.

14. Under Article 117 of the *Qanun-e-Shahadat* Order, 1984, the burden lies upon the party who asserts a fact. In a defamation claim, it is for the plaintiff to prove not merely that "something" was said, but what precisely was said, that it was false, that it bore a defamatory meaning, and that it was published by the defendant. Where the plaint is silent as to the exact defamatory words, no legally cognizable fact has been asserted in a manner capable of proof; in such a situation, evidence becomes legally inconsequential because the *onus* flows from the pleadings and not from ex post facto embellishments introduced at trial. A close examination of the evidentiary record demonstrates that at no stage, neither in the affidavits-in-evidence nor in cross-examination nor through documentary material did the appellants bring on record the alleged defamatory words with requisite specificity. The witnesses merely repeated the conclusion that the respondent had "defamed" the appellants. Such assertions are opinionative, not factual. Articles 121 and 122 of the *Qanun-e-Shahadat* Order require proof of particular facts; in a defamation suit, the relevant

"particular fact" is the defamatory imputation itself. Where no such fact is either pleaded or proved, there remains nothing for judicial scrutiny. Articles 72 and 73, governing primary and secondary evidence, underscore that in defamation through recordings or publications, the primary evidence is the content of the statements. If that content is not pleaded, production of recordings or documents cannot cure the omission; evidence adrift from pleadings is directionless and legally sterile.

15. Article 129 (g) *Qanun-e-Shahadat* Order, 1984 permits the Court to draw an adverse presumption where evidence which could and should have been produced is withheld. In the present case, the appellants alleged defamation on the basis of a recorded press conference/video yet chose not to plead or prove the actual content despite claiming access thereto. In these circumstances, an adverse inference is legitimately attracted that the omitted content was either equivocal, non-defamatory in law, or otherwise insufficient to sustain the cause of action. Such inference is not punitive; it is a logical corollary of the appellants' own omissions and further fortifies the conclusion that they have not discharged the burden reposed on them by law.

16. The Defamation Ordinance, 2002 constitutes a self-contained code which seeks to balance protection of reputation with freedom of expression, while introducing safeguards against vexatious or oppressive litigation. Section 3 postulates a false statement or representation injuring reputation, which must be identifiable in content so as to admit of judicial evaluation; defamation is not to be presumed. Sections 4 to 7 recognize that defamation may be actionable without proof of special damage but simultaneously incorporate defences, privileges and exceptions. Section 10 expressly applies the CPC and the Qanun-e-Shahadat Order, thereby importing into defamation actions the discipline of pleading and proof. Section 8 prescribes a statutory notice, and Section 12 stipulates strict limitation, both reflecting legislative intent that reputational disputes be litigated promptly and with precision. Within this

framework, the law acknowledges that expressions of grievance, criticism or exposure of alleged wrongdoing in respect of public institutions, when made in good faith and in public interest, are insulated from liability and cannot be stigmatised as defamation merely because they cause discomfort or embarrassment. The material on record points more towards grievance-orientation than towards a calibrated reputational assault. The respondent has made no admission regarding defamatory content or publication, has consistently denied authorship and dissemination, and the appellants have failed to plead and prove falsity and malice. Even assuming, arguendo, some degree of participation in public discourse, the essential element of malicious falsehood has not been established. In such a scenario, the acts complained of fall within the protective fold of statutory exceptions and do not satisfy the ingredients of defamation under the Ordinance.

17. It is trite that an appellate Court will interfere with findings of fact only where such findings are perverse, are the result of misreading or non-reading of evidence, or where material evidence has been ignored. In the present case, the learned trial Court correctly identified the real controversy as being whether a legally actionable defamation had been both pleaded and proved; treated defamation as a statutory wrong under the Ordinance, 2002; insisted upon pleading discipline under Order VI Rules 2 and 4 CPC; applied the rules of burden under Article 117; declined to act upon conclusory testimony in the light of Articles 121 and 122; treated documents and recordings as directionless in the absence of pleaded content in terms of Articles 72 and 73; and drew a permissible adverse inference under Article 129(g) in view of the appellants' unexplained omission to plead/produce the impugned content despite claiming access. It also regarded the objections regarding notice and limitation as corroborative of non-maintainability. These findings are firmly anchored in the record and in the applicable legal framework, and no perversity or material illegality has been demonstrated.

18. The respondent's objections on limitation and non-compliance with statutory notice further fortify the conclusion on maintainability. The notice mandated by Section 8 of the Defamation Ordinance, 2002 is not a mere formality; it serves substantive purposes and must, inter alia, identify the alleged defamatory publication with sufficient clarity. A notice which fails to specify the impugned content does not fulfil the legislative object. Likewise, Section 12 prescribes a strict period of limitation which presupposes clarity regarding the date(s) of publication and the plaintiff's knowledge thereof. Where the plaint is reticent on publication dates and where compliance with Section 8 is not demonstrated, the jurisdictional foundation of the suit is weakened.

19. With respect to quantum, the claim of Rs.500 million (Rupees 5,00,000,000/-), in the absence of proved defamatory content and proved publication/attribution, is wholly unsustainable. Even *de hors* that conclusion, such an extraordinary sum, unbacked by evidence of actual reputational loss or by any legally assessable defamatory material, wears a punitive rather than compensatory complexion and lends support to the respondent's plea that the litigation itself carries an oppressive and chilling potential. While this Court rests its decision on maintainability and failure of proof, this aspect reinforces the inference that the suit was not brought within the carefully calibrated parameters of the Ordinance.

20. In synthesis, the plaint fails to plead the specific defamatory words or imputations allegedly made by the respondent, thereby violating the mandate of Order VI Rules 2 and 4 CPC and leaving the cause of action imperfectly constituted. Publication and attribution to the respondent were neither properly pleaded nor proved. The appellants failed to discharge the onus under Articles 117, 121 and 122 of the *Qanun-e-Shahadat* Order, 1984, and documents/recordings could not, in law, cure the foundational pleading defect in view of Articles 72 and 73. An adverse inference under Article 129(g) is justified on account of the omission to plead and prove content despite asserted

access. The dispute, on the available material, is essentially grievance-based, and the acts complained of, even if assumed arguendo, fall within statutory protections of good faith and public interest in the absence of established malicious falsehood. The judgment of the learned trial Court is thus legally unassailable; no case for appellate interference is made out. The objections regarding statutory notice, limitation and the exaggerated damages claim further strengthen the conclusion of non-maintainability. Consequently, the appellants' defamation suit was not maintainable, and the trial Court was correct in insisting upon specificity and in dismissing the suit for pleading and evidentiary deficiencies.

21. For the foregoing reasons, this appeal is dismissed. The judgment and decree of the learned trial Court are upheld. In the circumstances of the case, there shall be no order as to costs.

J U D G E