

ORDER SHEET
THE HIGH COURT OF SINDH KARACHI

JCM No. 29 of 2025
[M/s. Lucky Petroleum Private Limited & another v. SECP & another]

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders as to Maintainability of Petition.

19-08-2025

Dr. Sher Ali Rizvi, Advocate for the Petitioners alongwith
Mr. Gul Mohammad, Advocate.

Adnan Iqbal Chaudhry J. - Petitioner No.1 is a private limited company. Petitioner No.2 is its Chief Executive. Respondent No.2 is the other director of the company. The Petitioners have filed this JCM before the Company Bench of the High Court with the prayer to award damages against Respondent No.2 for the tort of defamation. For invoking the jurisdiction of the Company Bench for such relief, the Petitioners rely on section 5(2) of the Companies Act, 2017 [the Act] which reads:

“5(2) Notwithstanding anything contained in any other law no civil court as provided in the Code of Civil Procedure, 1908 (Act V of 1908) or any other court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Court is empowered to determine by or under this Act.”

Per learned counsel, section 5(2) bars all suits by a company. The submission is clearly misconceived. The exclusive jurisdiction of the Company Bench in section 5(2) is in respect of matters it is “empowered to determine by or under the Companies Act”. There is no provision in said Act that empowers the Company Bench to entertain a claim for defamation made by a company. The remedy for that is a suit before the District Court under the Defamation Ordinance, 2002. The petition is therefore dismissed *in limine*.

SHABAN*

JUDGE