

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. D-3338 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on CMA 14340/2025.
- 2. For hearing of main case

17.09.2025

Mr. Jawed Farooqi, advocate for the petitioner.
Mr. Wahid Bux, advocate holds brief for Mr. Shafqat Ali Shah Massomi, advocate for respondent 2.

This petition seeks pre-emptive remedy against a private respondent based on apprehensions and surmises. The petitioner asserts exemption from payment / deduction of capital gains tax and has preferred this petition to thwart any such eventuality.

The concerned respondent, respondent no. 3, could not be befallen within the definition of a person amenable to writ jurisdiction per Article 199(5) of the Constitution. *Admittedly*, no order / action is in the field, therefore, no actionable grievance could be demonstrated before us. It is noted that while the primary grievance appears to be against a private respondent, the official respondents seem to have been impleaded to seek the adjudication of the grievance before this court, in the exercise of its writ jurisdiction. A Division Bench of this High Court, in *Muhammad Saddiq case*¹, had deprecated the invocation of the writ jurisdiction in private disputes and had held that such action, merely to overcome objections of the branch with respect to maintainability, cannot but be disapproved. A subsequent Division Bench has also maintained² that the masquerade of pleadings to invoke the Constitutional jurisdiction of this court is undesirable.

The assertions are presumptive and factual in nature *prima facie* not amenable for adjudication in the writ jurisdiction of this Court³. Even otherwise the petitioner has been unable to demonstrate any fundamental / vested right in order to merit indulgence in writ jurisdiction.

In view of the reasoning and rationale herein contained, we are of the considered view that the petitioner has been unable to set forth a case for the exercise of discretionary⁴ writ jurisdiction by this Court, hence, this petition is hereby dismissed along with pending application/s.

Judge
Judge

M. Khan

¹ *Muhammad Saddiq & Another vs. Ruqaya Khanum & Others* reported as PLD 2001 Karachi 60.
² *AKD Investment Management Limited & Others vs. JS Investments Limited & Others* reported as 2020 CLD 596.
³ 2016 CLC 1; 2015 PLC 45; 2015 CLD 257; 2011 SCMR 1990; 2001 SCMR 574; PLD 2001 Supreme Court 415.
⁴ Per Ijaz Ul Ahsan J. in *Syed Iqbal Hussain Shah Gillani vs. PBC & Others* reported as 2021 SCMR 425; *Muhammad Fiaz Khan vs. Ajmer Khan & Another* reported as 2010 SCMR 105.