

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P.Nos.D-4336, D-4346, D-4348, D-4404, D-4410, D-4878
and D-5868 of 2024

Date	Order with signature of Judge
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1. For order on Misc. No. 19119/2024
2. For order on Misc. No. 19120/2024
3. For hearing of main case

25.09.2025

Mr. Faisal Siddiqui, advocate for the petitioner in CP No.D- 4346/2024
Mr. Salahuddin Ahmed, advocate for the petitioner in CP No.D- 5868/2024
M/s. Ebrahim Saifuddin & Tahir Mehmood advocates for the petitioners in CP No.D-4336/2024
Mr. Abdul Moiz Jaferii, advocate for the petitioner in CP No.D- 4348/2024 and for respondents
M/s. Muhammad Ghulam Rehman Korai and Shiraz Ahmed Siddiqui, advocates for the petitioner in CP No.D- 4404/2024
Mr. Raj Ali Wahid Kunwar, advocate for the petitioner in CP No.D- 4878/2024
Mr. Muhammad Haseeb Jamali, advocate
Mr. Justice Tariq Mehmood Jahangiri, intervener

M/s. Sarmad Hani, Zarar Qadir Shoro and Tariq Hussain, advocates for the respondent / KU
M/s. Moin Azhar Siddiqui & Ali Ahmad Turabi, and Malik Naeem Iqbal, advocates for respondents
Mr. Muhammad Wasif Riaz, advocate for Islamabad Bar Council
Mr. Mehdi Raza, advocate
Mr. Tariq Hussian, advocate for HEC
Mr. Saad Siddiqui, advocate for PEMRA
M/s. Muhammad Sohail Imran, Legal Officer, Israr Hussain, Law Officer, Khadim Hussain, Law Officer, Universities and Boards Department
Mr. Mohsin Qadir Shahwani, Additional Attorney General and Ms. Wajiha M. Mehdi, Assistant Attorney General
M/s. Jawad Dero, Advocate General Sindh and Muhammad Kamran, Assistant Advocate General Sindh

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Mohammed Karim Khan Agha, J. In C.P.No.D-4336 of 2024, learned counsel for the petitioners, Mr. Ebrahim Saifuddin, Advocate, was called upon to submit his arguments on the question of maintainability. However, since according to him this Court was required to first decide the preliminary objections raised by M/s Salahuddin Ahmed and Faisal Siddiqui, he declined to argue on maintainability of the petition. An opportunity of hearing was granted to the learned counsel for the petitioners. Despite this, he deliberately failed to avail the opportunity. Accordingly, the petition is dismissed for non-prosecution along with all listed/pending applications.

2. In C.P.No.D-4346 of 2024, Mr. Faisal Siddiqui advocate for the petitioner when called upon to address this Court on the question of maintainability, submitted that objections regarding the jurisdiction of this Court be decided first. When his

request was declined by the Bench, he left the courtroom stating that he would not proceed any further. Learned counsel was given the opportunity of being heard on maintainability, however he deliberately did not avail it. Accordingly, the petition is dismissed for non-prosecution along with listed/pending applications.

3. In C.P.No.D-4348 of 2024, when this petition was called, none was present for the petitioner without intimation. Petitioner might have left the court room as he did not want to argue this matter. Accordingly, this petition is dismissed for non-prosecution along with all listed/pending applications.

4. In C.P.No.D-4404 of 2024, Mr. Ghulam Rehman Korai, Advocate, was called upon to address this Court on the question of maintainability. However, he did not appear. It appears that he was either not present in Court at the relevant time or left the courtroom. Accordingly, the petition is dismissed for non-prosecution along with all listed/pending applications.

5. In C.P.No.D-4410 of 2024, Mr. Ebrahim Saifuddin, Advocate, was present in Court. However, when directed to address this Court on the issue of maintainability of the petition, he left the courtroom. Learned counsel was given the opportunity of being heard but he deliberately failed to avail it. As such, the petition is dismissed for non-prosecution along with all listed/pending applications.

6. In C.P.No.D-4847 of 2024, learned counsel for the petitioner was called upon to address this Court on the question of maintainability. However, he did not appear. It appears that he was either not present in Court at the relevant time or may have left the courtroom. Accordingly, the petition is dismissed for non-prosecution along with all listed/pending applications.

7. In C.P.No.D-5868 of 2024, Mr. Salahuddin Ahmed advocate for the petitioner when called upon to address this Court on the question of maintainability, he raised certain objections regarding order dated 22.09.2025 which he insisted on being decided before he addresses the Court on maintainability. This request was declined by the Bench. When learned counsel was requested by the Court to address the issue of maintainability, he refused to do so and left the Court. Learned counsel was given the opportunity to address this Court on maintainability which he deliberately failed to avail. Accordingly, the petition is dismissed for non-prosecution along with all listed/pending applications.

8. The Honourable Mr. Justice Tariq Mehmood Jahangiri with the permission of the Court, addressed this Court with dignity and patience, however not on the point of any petition or listed application, which, if any, are accordingly dismissed for non-prosecution as he also left the court room despite being given an opportunity of being heard on any petition or listed application.

9. The petitioners and intervener have willfully refused to pursue this matter and walked out during the hearing when asked to argue on the maintainability of these petitions. The reasons are obvious., demonstrating a deliberate lack of interest and constituting a gross abuse of the process of the Court. Superior courts possess the inherent power to dismiss constitutional petitions for non-prosecution or default to regulate proceedings under Articles 199 of the Constitution, a principle confirmed by the Supreme Court in PLD 1993 SC 341 and 2006 SCMR 1154, where a persistent lack of diligence justifies dismissal. Therefore, this court is compelled to dismiss the petitions due to non-prosecution.

10. We heard Mr. Salahuddin Ahmed and Mr. Faisal Siddiqui, Advocates, on the objection regarding the formation of this Bench, as well as the learned counsel for the respondents on the same issue. It is for this Court to determine how to regulate its own proceedings, and it cannot be dictated to by the advocates. This Court had decided that the preliminary objections and if need be the question of maintainability shall be decided through a single common order. Naturally, if the objections were found to be valid, the question of maintainability might no longer remain relevant. Unfortunately, when the learned counsel representing the parties, along with other members of the Bar, insisted that their objections be decided first, this Court informed them that all matters would be heard and decided together as mentioned above. Upon this, all learned counsel for the petitioners left the courtroom, clearly indicating their unwillingness to proceed with these petitions despite being given the opportunity of being heard which they deliberately refused to avail and as such their petitions and any listed application are dismissed for non-prosecution. Furthermore, they began raising slogans against the judiciary and completely disrupted the decorum of the Court. Such conduct is highly unbecoming and not expected from senior members of the legal profession. Prima facie, such conduct amounts to contempt of Court. However, by way of indulgence and by showing maximum judicial restraint, we have decided to refrain ourselves from issuing any such notices. It is expected that the concerned counsel should maintain Court decorum in future.

11. With regard to the objections made by the learned counsel Mr. Salahuddin Ahmed and Mr. Faisal Siddiqui these largely revolved around order dated 22.09.2025. Needless to say this was a judicial order which was still in the field. If they had any objection to such order, then the appropriate course was to approach the Supreme Court which they failed to do after a lapse of nearly one week. With regard to the bias of the bench, it is well settled by now that whether a Judge recuses or not is his decision based on his conscience. Neither of us were of the view that any ground for recusal was made out. It is also settled by now that if the question of maintainability arises concerning a petition, this issue must be taken up

first. We find that these petitions also fall within the domain of the Constitutional Benches of this Court based on the relief sought.

12. Be that as it may, we have given an opportunity of hearing to all the learned counsel for the petitioners on the question of maintainability of these petitions; however, learned counsel for the petitioners deliberately chose not to avail this opportunity and instead walked out of the courtroom while causing a rumpus. Such conduct is highly deprecated. The Registrar of this Court shall immediately preserve all CCTV recordings and any audio recording of **25.09.2025** both inside and outside of the CB-I Court room. Therefore we have dismissed all the aforementioned petitions for non-prosecution, for the reasons detailed above along with all listed/pending applications.

13. As mentioned earlier, it is for the Court to regulate its own proceedings and it cannot be held hostage to the whims/wishes of the advocates as to the manner in which the petitions shall be heard.

14. Office is directed to place copy of this order in captioned connected petitions.

HEAD OF CONST. BENCHES

JUDGE

Wasim PS.