

IN THE HIGH COURT OF SINDH, KARACHI
C.P No. D- 508 of 2026

Sibtain Muhammad Ali Vs. A. Moosajee Sons & another

Present:

**Mr. Justice Yousuf Ali Sayeed,
Mr. Justice Muhammad Osman Ali Hadi**

Date of hearing: 30.01.2026.

Date of decision: 30.01.2026.

Petitioner Sibtain Muhammad Ali, in
person.

O R D E R

Muhammad Osman Ali Hadi, J: The Petitioner has filed this instant Petition against Judgement dated 15.01.2026 passed by the Respondent No. 2 in Consumer Appeal No. 43 of 2025 (“**the Impugned Judgement**”).

2. In essence, the Petitioner has a dispute with Respondent No. 1 regarding purchase of cloth. The intricacies of the same relate to quality of fabric. The Petitioner initially filed a claim before the Consumer Protection Court, and being dissatisfied with the judgement passed therein preferred an Appeal before Respondent No. 2. The said appeal was also dismissed vide the Impugned Judgement, with a proper speaking order,¹ *inter alia*, stating the Petitioner’s claim to be time barred.

3. The Petitioner has now approached this Court in its Constitutional Jurisdiction against the Impugned Judgement.

4. The Petitioner’s claim not only appears to be time-barred, but also relates to a factual controversy which cannot be entertained under Writ Jurisdiction. Furthermore, the Petitioner has already followed the route of approaching the Consumer Protection Court, and thus cannot be allowed to deviate at this stage by attempting to

¹ Available at pages 17-21 of the File

invoke the Writ Jurisdiction, simply because he does not agree with the orders passed therein.

5. The learned counsel for the Petitioners has acknowledged and acquiesced that there is an alternate and adequate remedy regarding his alleged claim, vis-à-vis the Consumer Protection Court; yet despite the same he has filed the instant proceedings, for which he has remained unable to show any grounds for invocation of this Court under Article 199 of the Constitution of Pakistan 1973.

6. It is trite law, which has repeatedly been upheld by the Superior Courts, that where there is an alternate remedy, and / or a Special Law has provided a mechanism for adjudication, the Constitutional Jurisdiction under Article 199 cannot be invoked (reliance is placed upon **2025 SCMR 249, 2024 SCMR 117 & 2011 CLD 1018**).

7. Accordingly, the instant Petition was dismissed in the earlier part of the day, and above are the reasons thereof.

Petition dismissed.

Judge

Ayaz

Judge