

IN THE HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

Civil Revision Application No.S-407 of 2024

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Applicant: Muhammad Hashim son of Noor Muhammad
In person.

Respondent: District & Sessions Judge, Tharparkar at Mithi.
Through Mr. Muhammad Sharif Solangi, A. A.G Sindh.

Date of hearing 14.01.2026

Date of order 14.01.2026

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O R D E R

Muhammad Hasan (Akber), J-: The instant Revision application is directed against part of the impugned Order dated 14.10.2022 passed by the learned District Judge/Model Civil Appellate Court, Tharparkar @ Mithi, whereby the Civil Appeal No. Nil of 2022, Re; *Yaqoob and others vs. Muhammad Khan and others* was dismissed in limini, while imposing the cost of Rs.25,000/- upon the applicant/ advocate for the appellants.

2. The brief facts of the case are that F.C Suit No.87 of 2017 “Re-Yaqoob & others versus Muhammad & others” was filed for specific performance of contract before the Court of learned 2nd Senior Civil Judge, Tharparkar at Mithi and the said suit was partly decreed and partly dismissed. Against the said judgment and decree, the plaintiffs/ appellant preferred Civil Appeal before the competent Appellate Court; however, the same was dismissed vide order dated 14.10.2022. Thereafter, the applicant filed Execution Application No. 6 before the learned trial court, which was allowed. It is further stated that Yaqoob & others, being aggrieved of the execution proceedings, filed an execution appeal before the learned District & Sessions Judge, Tharparkar at Mithi; however, the same was dismissed. Against both the execution orders, Yaqoob & others thereafter filed Civil Revision before this Honourable Court, wherein a status quo order is operating and the matter is still pending adjudication. It is further averred that Yaqoob & others did not file any appeal against the original

judgment and decree of the Trial Court; however, subsequently in the year 2022, an appeal was filed before the learned District & Sessions Judge, Tharparkar at Mithi through the present applicant, who is an Advocate. The said appeal was dismissed vide impugned order dated 14.10.2022, whereby costs were imposed upon the present applicant.

3. The present applicant, who is also advocate by profession, argued that he is directly aggrieved and affected by the impugned Order since the learned District & Sessions Judge, Tharparkar at Mithi, while passing the impugned order failed to appreciate the material fact that the applicant was not the counsel in the earlier proceedings before the learned trial Court, nor was responsible for any alleged omission or lapse attributed to the conduct of the case at that stage. He further submits that despite this, the learned appellate Court wrongly imposed costs upon the applicant, which is illegal and unjustified. Finally, he prayed that impugned order be set-aside.

4. On the other hand, learned A.A.G supported the impugned Order but to the extent of Order against learned Advocate/ applicant, did not object to grant of relief.

5. Heard and perused.

6. The impugned Order reflects that the learned appellate Court, while dismissing the appeal in limini, proceeded to impose costs upon the learned counsel and further directed the Sindh Bar Council to take appropriate action against him, without affording any opportunity of hearing to the said advocate. The impugned observations were made without issuance of notice, without framing any specific charge of professional misconduct and without recording any independent reasons establishing malafide intention or deliberate abuse of process on the part of the learned counsel. Such opportunities ought to have been afforded to the learned counsel/ applicant before passing adverse remarks against him.

7. In view of the above, the revision petition is allowed only to the extent of the findings, adverse remarks, imposition of costs upon the learned counsel/ applicant and the direction to the Bar Council, as contained in the impugned Order, which are hereby set aside. However, impugned Order to the extent of dismissal of the appeal in limini shall remain unaffected. The revision petition is disposed of in the above terms.

JUDGE

“Saleem”