

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. S-875 of 2025

Date _____ Order with signature(s) of Judge(s) _____

Disposed of Matter.

1. For orders on Misc. No.5913/2026
2. For orders on Misc. No.5914/2026

28.08.2026.

Mr. Fahad, Advocate for the Petitioner.

Mr. Khalid Mehmood Khan Kiyani, Advocate for Respondent.

1. Urgency is granted.

2. Through the listed application, learned counsel for the respondent seeks correction of the suit number, which has been wrongly typed as "Civil Suit No. 832 of 2022" instead of "Civil Suit No. 382 of 2022." Learned counsel for the petitioner has no objection.

The Office is directed to make the necessary correction in red ink. The application stands disposed of.


JUDGE

IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. S-875 of 2025

(National Bank of Pakistan -vs- Mirza Humayun & Another.)

Date _____ Order with signature(s) of Judge(s) _____

Hg: / Priority.

1. For orders on office objections.
2. For hearing of Misc. No.25674/2024
3. For hearing of main case.

21.08.2026.

Malik Khush hal Khan, Advocate for the Petitioner.

Mr. Khalid Mehmood Khan Kayani, Advocate for Respondent No.1.

ORDER

Nisar Ahmed Bhanbhro, J. This petition arises out of the orders passed on an application under Order XI Rule 14 of CPC r/w Section 151 C.P.C. whereby an application filed by the Respondent No.1 seeking production of the documents in possession of the Petitioner was allowed vide order dated 16.05.2024 (1st Impugned Order) passed in Civil Suit No ~~832~~ ^{382 of 2022} of 2022 (Re Mirza Humayun V. National Bank of Pakistan) by Learned Senior Civil Judge XIII, Karachi South (Trial Court) and Revision Application No 85 of 2024 (Re National Bank of Pakistan V. Mirza Humayun and another) was dismissed vide order dated 17.08.2024 (2nd Impugned Order) passed by the learned Additional District Judge XII Karachi South (Revisional Court).

2. Learned counsel for the Petitioner contended that the learned Trial Court passed the First impugned order at the belated stage when the matter was fixed for final arguments between the parties. He contended that the Respondent No 1, who is the Plaintiff in the proceedings, had never sought to produce the said documents at the stage of evidence. He therefore submits that production of documents could not be sought at very belated stage and the impugned orders, therefore, suffered from jurisdictional defect and may be set aside. He placed reliance upon a citation 2016 MLD 240 (Muhammad Ashraf Khan v. Chief Secretary/Revenue Commissioner, G.B. Gilgit & others)

3. Learned Counsel for the Respondent No 1 controverting the submissions, contended that respondent No.1 remained employee of Petitioner bank and was terminated from service on account of misconduct, under the charge he was prosecuted and the same resulted in an acquittal at the appellate stage. He submits that on release from the jail, Respondent No.1 filed a suit for the payment of group insurance, gratuity, GP funds for the period from 1993 to 1997, which he remained under suspension. He further submits that the Petitioner Bank as an employer was in possession entire service record in original, which could not be produced in evidence and in absence

Connection has been made vide order dated 28-08-2026
M.A.
28/08/2026

thereof Trial court could not arrive at a fair conclusion of the case and pass a judgment fetching justice to the parties. He next contended that the impugned orders passed by the courts below were well reasoned and within the remit of law. He, therefore, prayed that petition may be dismissed.

4. Heard arguments and perused the material available on record.

5. The controversy between the parties revolved around the production of certain documents which are in possession of Petitioner Bank. Petitioner bank opposed the production of those documents on the ground that at the time of recording evidence no such request was made to the learned Trial court and both the parties had concluded their evidence and matter was fixed for final arguments, therefore, Learned Trial Court bypassed its mandate, while requiring the production of documents. For the sake of reference, it will be conducive to reproduce Order XI Rule 14 of CPC, which reads as under:

14. Production of Documents: It shall be lawful for the Court, at any time during the pendency of any suit, to order the production by any party thereto, upon oath, of such of the documents in his possession or power, relating to any matter in question in such suit, as the Court shall think right; and the Court may deal with such documents, when produced, in such manner as shall appear just.

6. From the perusal of the above provisions of law, it is crystal clear that, during the pendency of a suit, the Court may, at any time, lawfully order any party to produce documents in its possession, and the Court is empowered to deal with such documents in such manner as may appear to be just. Since the parties had concluded their evidence and the matter was fixed for final arguments, the stage of the suit, as argued by the learned counsel for the Petitioner, was not relevant for the purposes of production of the documents, as the law expressly empowers the Court to order the production of such documents at any time during the pendency of the suit. The Court was competent to call for the production of such documents before the pronouncement of judgment. It is further the case of the parties that the Respondent No 1 was an employee of the Petitioner Bank and, under the applicable service regulations, the employer is required to maintain and retain the original service record of its employees. The Petitioner Bank was under an obligation to provide copies of such documents to the employee whenever demanded. The employer cannot deny, refuse, or decline a legitimate request made by an employee for the provision of his service record or other relevant service documents. It is rather strange that the employer was unwilling to produce the service record/documents before the learned Trial Court, which prima facie reflected that the employer was not willing to discharge its obligation to settle the dues of the employee in a fair and justifiable manner. Such conduct on the part of the employer cannot be appreciated by any Court of law.

7. As regards the case law relied upon by the learned counsel for the Petitioner, reported as 2016 MLD 240 (Muhammad Ashraf Khan v. Chief Secretary/Revenue Commissioner, G.B. Gilgit & others), a perusal thereof, demonstrated that the Learned Chief Court G.B. has held that the provisions of Order XI Rule 14 of C.P.C., could not be invoked at the appellate stage, and no exception could be taken to such findings. The provisions of Order XI Rule 14, C.P.C. are applicable to proceedings before the Trial Court, and any application moved at the appellate stage would amount to an attempt by a party to cure the defects or lacunae left during the trial of the suit. In the present case, however, the learned Trial Court, while allowing the application, observed that, in furtherance of the right to a fair trial guaranteed under Article 10-A of the Constitution of the Islamic Republic of Pakistan, of 1973, it was necessary that the documents in question be brought on record. There is nothing on record to suggest that the Petitioner ever disputed that the Respondent No 1 was not its employee. The non-production of the relevant service documents is nothing but an act of high-handedness on the part of the employer, which cannot be allowed to perpetuate.

8. For the foregoing reasons, no case for interference by this Court in the exercise of its constitutional jurisdiction is made out. Consequently, this petition fails and is hereby dismissed, along with all pending applications, if any. The Petitioner is directed to produce the requisite documents before the learned Trial Court within thirty (30) days from the date of this order. The learned Trial Court is expected to decide the suit expeditiously, preferably within a period of three months from the date of this order.

9. Office is directed to transmit a copy of this order to the learned Trial Court for compliance. The MIT-II shall ensure compliance.


JUDGE

Approved for reporting

D/O Matter

- 1- For Orders all CMA No. 5913/2026. (y granted)
 - 2- For Orders all CMA No. 5914/2026. (U/S 152 P/w Sec 151 (PC))
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