

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

*Mr. Justice Muhammad Saleem Jessar;
Mr. Justice Abdul Hamid Bhurgri.*

C.P No.D-6275 of 2026

[Muhammad Waseem Mughal and others v. Muhammad Saleem Khan and others]

Petitioners : Through Mr. Hakim Ali Mallah, Advocate along
with Petitioner.

Respondents : Nemo.

Date of Hearing : 09.10.2026

Date of Order : 09.10.2026

ORDER

Abdul Hamid Bhurgri, J.- Through the instant petition, the petitioners have invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following reliefs:-

- A. *Declare that the Petitioners are entitled to have their claimed proprietary/equitable interests arising from their contributions, participation, investment, labour and services in the family business determined in accordance with law and evidence;*
- B. *Respondent No.1 to disclose and furnish complete particulars, accounts, title documents and documentary record concerning the family business and the properties/assets allegedly acquired from its earnings and proceeds;*
- C. *Direct the concerned revenue/registration authorities to preserve and produce the relevant record concerning the disputed properties/assets;*
- D. *Direct the Respondents to disclose complete particulars of all properties/assets transferred, gifted, allotted or otherwise provided to Respondents Naeem Ahmed, Nadeem Mughal, Reema or any other child from the alleged family-business assets/proceeds;*
- E. *Direct that an appropriate independent valuation/accounting exercise be undertaken in accordance with law concerning the disputed properties/assets;*
- F. *Restrain the Respondents, their agents, attorneys or any person claiming through them from selling, gifting, transferring, mortgaging, encumbering or*

creating any third-party interest in the disputed properties/assets, subject to determination by the competent Court;

- G. Direct the concerned revenue and registration authorities to maintain status quo concerning the disputed properties/assets and not to give effect to any transaction contrary to the order of this Honourable Court;*
- H. Direct the Respondents to provide reasonable maintenance, financial support and necessary assistance to Petitioner No.3 Muhammad Iqbal Khan/Mughal, keeping in view his certified disability and dependency, in accordance with law and subject to determination of the legal obligations of the Respondents;*
- I. Direct that the disability and dependency of Petitioner No.3 be taken into consideration in any lawful family settlement concerning the family assets;*
- J. Direct the Respondents to refrain from threatening, harassing, intimidating or coercing the Petitioners for asserting their lawful rights and seeking accounts and information;*
- K. Direct the parties to participate in an amicable family settlement/mediation process before an appropriate forum/person appointed by this Honourable Court;*
- L. Grant any other relief deemed just and proper in the circumstances of the case.*

2. Briefly stated, the petitioners are sons of Respondent No.1, Muhammad Saleem Khan. Their case is that they contributed labour, services, investments and efforts towards the development and expansion of a family business originally established at Gharo, District Thatta, from the proceeds of which various movable and immovable properties were allegedly acquired. They claim that Respondent No.1 has neither disclosed the accounts and particulars of the family business nor acknowledged their alleged proprietary interests in the assets acquired therefrom. It is further alleged that certain properties have been transferred or provided to other family members to the exclusion of the petitioners. Petitioner No.3, Muhammad Iqbal Khan Mughal, is stated to be a person with a disability who claims financial dependency upon the family. The petitioners further assert that an earlier family dispute was brought before the learned District & Sessions Judge, Thatta, and that a legal notice dated 03.09.2026 was subsequently served upon the

respondents, but without any satisfactory response. Apprehending alienation of the disputed properties, they have approached this Court seeking declaration and protection of their claimed rights, rendition of accounts, disclosure of property records and other consequential reliefs.

3. Learned counsel for the petitioners contends that the petitioners have substantially contributed towards the establishment and development of the family business and that the properties acquired from its earnings cannot be dealt with to their exclusion without determination of their lawful interests. He submits that Respondent No.1 has failed to disclose the relevant accounts and title documents and that there is an apprehension of alienation of the disputed assets. He further emphasizes the disability and alleged financial dependency of Petitioner No.3 and submits that the petitioners are entitled to protection of their lawful rights. He accordingly prays that the petition be entertained and appropriate directions be issued.

4. We have heard learned counsel for the petitioners and examined the material available on record. The controversy, in substance, arises out of a private family dispute between the petitioners and their father concerning their alleged contributions towards the family business and the ownership and distribution of assets purportedly acquired from its proceeds. The determination of such claims necessarily involves disputed questions of fact, including the nature and extent of the alleged investments, the legal character of the business, the source of acquisition and ownership of the properties, and the existence and extent of any enforceable proprietary rights. These matters require examination of documentary and, where necessary, oral evidence, which cannot appropriately be undertaken in the exercise of constitutional jurisdiction.

5. It is a settled principle that constitutional jurisdiction under Article 199 is not intended to substitute the ordinary civil remedies available for adjudication of disputed private rights. The mere existence of a family relationship or an allegation of contribution towards a family business does not, by itself, establish a

legally enforceable proprietary interest in assets standing in another person's name. Such entitlement, if any, must be established before a competent forum on the basis of pleadings and evidence. Similarly, the reliefs relating to declaration of rights, rendition of accounts, disclosure of documents, injunction against alienation and other consequential matters fall within the domain of the competent civil court, subject to the requirements of the applicable law. The petitioners cannot bypass the ordinary process of adjudication by invoking the extraordinary constitutional jurisdiction of this Court.

6. As regards the claim of Petitioner No.3 concerning maintenance and financial assistance on account of his alleged disability and dependency, the same also requires determination of the existence and extent of any legal obligation under the applicable law by a forum of competent jurisdiction. His disability, though a relevant consideration in appropriate proceedings, does not, by itself, confer constitutional jurisdiction upon this Court to adjudicate the disputed private obligations asserted in the present petition. Likewise, the apprehension of alienation of the disputed properties cannot independently justify constitutional intervention when the underlying proprietary rights have yet to be established and appropriate remedies, including interim protection where legally permissible, may be sought before the competent forum.

7. It is equally significant that the principal grievance is directed against private individuals in respect of their alleged private obligations. The mere impleadment of revenue and registration authorities, or the framing of consequential directions against them, does not transform an essentially private civil dispute into a matter amenable to constitutional jurisdiction. No independent unlawful exercise of public authority or failure to perform a specific statutory duty has been demonstrated so as to warrant issuance of a constitutional writ. We are, therefore, satisfied that the petitioners have failed to establish any ground for invoking the extraordinary jurisdiction of this Court under Article 199 of the Constitution.

8. For the foregoing reasons, the instant constitution petition, being not maintainable, is dismissed in *limine*, along with all pending applications, if any. The petitioners shall, however, be at

liberty to seek appropriate remedies before the forum of competent jurisdiction in accordance with law. It is clarified that the observations made herein are confined to the question of maintainability and shall not prejudice the rights or contentions of either party in any proceedings instituted before the competent forum, which shall be decided independently on their own merits and in accordance with law.

JUDGE

JUDGE
HEAD OF CONST. BENCHES

Ayaz Gul