

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

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

C.P No.D-6736 of 2026

[Altaf Karim and others v. Idrees Sattar Agar and others]

Petitioners : Through Mr. Danish Ahmed Khan, Advocate.

Respondents : Nemo.

Date of Hearing : 16.10.2026

Date of Order : 16.10.2026

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 protection against alleged harassment, intimidation and interference by the private respondent, purportedly with the assistance of police functionaries. They have further sought directions restraining the official respondents from taking any coercive action against them otherwise than in accordance with law.

2. Learned counsel for the petitioners submits that petitioners Nos.1 and 2 undertook a construction project, which has since been completed and occupied. According to him, respondent No.1, on account of an existing family dispute concerning proprietary interests in the subject property, has repeatedly initiated complaints and proceedings before various forums with the object of exerting pressure upon the petitioners. He further submits that a civil suit bearing No.531/2022 (new No.5199/2025), involving several immovable properties, including the disputed share in the subject property, is pending before the learned VI-Senior Civil Judge, East, Karachi. It is also contended that petitioner No.1 instituted Suit No.896/2022 (new No.6849/2025) before the competent Civil Court, wherein an interim order dated 15.06.2022 was passed restraining respondent No.1 from harassing petitioner No.1 and his labourers and from lodging unwarranted complaints. Notwithstanding the said order, respondent No.1 is alleged to have continued pursuing

complaints and proceedings against the petitioners. Learned counsel, therefore, seeks intervention of this Court to prevent further harassment and misuse of official authority.

3. We have heard learned counsel for the petitioners and considered the material placed before us. During the course of hearing, learned counsel was specifically confronted with the maintainability of the petition in view of the pending civil proceedings and the interim protection already obtained therein. He was asked to explain why the alleged violation of such protection could not be brought to the notice of the Court which granted it, and what circumstances necessitated recourse to constitutional jurisdiction notwithstanding the remedies available under the ordinary law. No satisfactory explanation was furnished in this regard.

4. The controversy, when examined in its proper perspective, originates from a dispute concerning proprietary rights and competing claims over immovable property, which is already the subject of civil litigation. The allegations of harassment and interference, as presented in the petition, are substantially connected with that dispute and the conduct attributed to respondent No.1. The petitioners have already approached the competent Civil Court and obtained interim protection. In these circumstances, the essential question is not whether the petitioners are entitled to protection of law, which is unquestionable, but whether the facts disclosed warrant a separate exercise of constitutional jurisdiction when an appropriate judicial forum is already seized of the underlying controversy.

5. The jurisdiction conferred upon this Court under Article 199 of the Constitution is intended to provide constitutional redress where the requirements for its exercise are satisfied. It is neither a substitute for proceedings before the competent forum nor an additional avenue for pursuing relief substantially available under the ordinary law. Although the existence of an alternative remedy does not, by itself, exclude constitutional jurisdiction in every case, the Court must be satisfied that the circumstances justify its intervention. Where an adequate remedy is available and no

independent ground for constitutional interference is established, the exercise of such jurisdiction would ordinarily be unwarranted.

6. In the present case, the petitioners' grievance concerning alleged interference with the subject property and disregard of the interim restraint can appropriately be raised before the Civil Court concerned. The Code of Civil Procedure, 1908, provides a specific mechanism under Order XXXIX Rule 2(3) for dealing with disobedience or breach of an injunction, subject to fulfilment of the requirements prescribed by law. The competent Court may also exercise such powers as are otherwise available to it under the law for giving effect to its orders. The petitioners have not demonstrated that these remedies are inadequate or incapable of addressing the alleged grievance. Constitutional proceedings cannot ordinarily be employed to secure, through a parallel forum, what may appropriately be sought from the Court whose order is said to have been disregarded.

7. There is also no material before us sufficient to establish an independent instance of unlawful exercise of public authority calling for constitutional intervention. The mere allegation that police functionaries are being approached or influenced by a private litigant does not, without supporting particulars establishing unlawful official conduct, justify a general restraint against the performance of their statutory duties. Equally, the pendency of civil proceedings does not confer upon any person, whether a private litigant or a public official, authority to resort to harassment, intimidation or other unlawful means. The official respondents remain bound to act strictly in accordance with law, and any complaint or investigation, if otherwise legally warranted, must proceed without extraneous influence or misuse of authority.

8. Furthermore, the rival assertions concerning proprietary interests, possession, alleged interference and the conduct of the parties involve factual matters which may require examination of evidence. Such questions are more appropriately considered by the forum already seized of the civil dispute. Any determination by this Court upon disputed assertions at this stage would risk overlapping with, or unnecessarily affecting, the adjudication pending before the

competent Civil Court. Judicial propriety, therefore, requires that the parties pursue their respective remedies before the forum vested with jurisdiction to determine those questions.

9. For the foregoing reasons, we find no justification for exercising constitutional jurisdiction in the circumstances presented. The petitioners shall, however, be at liberty to approach the competent Civil Court in Suit No.896/2022 (new No.6849/2025) for appropriate relief in respect of any alleged disobedience or violation of the interim order dated 15.06.2022, subject to its subsistence and legal effect, or to pursue any other remedy available to them under the law. Any such proceedings shall be considered independently, on their own merits and in accordance with law. It is clarified that no opinion has been expressed regarding the respective proprietary rights of the parties, the validity of their competing claims, or the alleged breach of any subsisting judicial order.

10. Consequently, the instant constitution petition is dismissed in limine, along with all pending applications, if any, without prejudice to the petitioners' right to avail such remedies as may otherwise be available before the competent forum in accordance with law.

JUDGE

JUDGE
HEAD OF CONST. BENCHES

Ayaz Gul