

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No. D – 3286 of 2026
(Faisal Farooq versus VIII-Senior Civil Judge, Karachi South & others)

DATE	ORDER WITH SIGNATURE OF JUDGES
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing & orders: 02.9.2026

Mr. Muhammad Arsalan Wahid, Advocate for the Petitioner.
Syed Yousuf, Advocate for Respondent No.2.
Mr. Abdul Samad Khan, Advocate for NADRA.
Ms. Wajeeha Mehdi, Assistant Attorney General.

ORDER

Adnan-ul-Karim Memon, J. Petitioner Faisal Farooq has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following reliefs:

- a. *Declare that the act of omission on the part of Respondent No.1 is completely illegal, unlawful, unconstitutional and against principal of natural justice, while passing the impugned order dated 02.05.2025 along with direction to NADRA through notice dated 20.05.2025, while setting aside the same with immediate effect, directing the Respondent No.5 to immediately unblock the CNIC of Petitioner;*
- b. *Permanently and pending disposal of the main petition while restraining the Respondents from taking any coercive action against the Petitioner, which may prejudice the lawful rights and interest of the Petitioner.*

2. The Petitioner, Faisal Farooq, filed this Constitutional Petition under Article 199 of the Constitution, challenging the order dated 02.05.2025 passed by the learned Executing Court in Execution Application No.04/2017, whereby his CNIC and Passport were blocked.

3. The learned counsel for the petitioner contended that the impugned order was passed without notice, reasons, or adherence to the principles of natural justice, causing serious prejudice to his fundamental rights and bringing his financial affairs to a standstill. He therefore sought setting aside of the impugned order and immediate unblocking of his CNIC.

4. Upon notice, the Respondents submitted that the Petitioner's CNIC and Passport had been blocked because he was not appearing before the learned Senior Civil Judge in the execution proceedings.

5. The Hon'ble Supreme Court in *Agha Abid Majeed v. Idrees Ahmed and others*, Civil Petition No.3744 of 2023, decided on 18.02.2026, wherein it was held that, in the absence of an express statutory provision, an executing Court in Sindh could not derive a general power to block a person's CNIC merely for execution of a money decree. The Supreme Court observed that the specific provision introduced by the Peshawar High Court in Order XXI Rule 117 CPC applied only in Khyber Pakhtunkhwa and demonstrated that such power could not otherwise be implied.

6. In view of the said judgment, learned counsel for NADRA stated that the Petitioner's case would be decided in accordance with the Supreme Court's ruling, while the learned Assistant Attorney General also acknowledged that the CNIC could not be blocked in a civil execution proceeding in the circumstances. Consequently, the petition, along with the pending application, is disposed of with a direction to NADRA to unblock the Petitioner's CNIC by taking all necessary measures in terms of the ratio of the case of *Agha Abid Majeed Vs. Idrees Ahmed and others* passed by the Hon'ble Supreme Court in Civil Petition No.3744 of 2023, on 18.02.2026. The excerpts of the same are reproduced as under:

"5. The learned AAG, Sindh has drawn our attention to an amendment made in 2018 or thereabouts by the Peshawar High Court to the CPC as applicable in the KPK Province (in exercise of its rule making powers under Part X). There, in Order 21, the following rule 117 has been added:

"The modes of compelling the judgment debtor for his attendance or for completing the execution proceedings may include blockage of his Computerized National Identity Card."

We would like to reserve our views on the constitutional or legal validity of such a provision for an appropriate case since it is not, as such, before us. However two points may nonetheless be made with reference thereto. It obviously applies only in KPK Province and not in Sindh from where the present proceedings arise. Secondly, the very fact that the Peshawar High Court felt impelled to include such an express power in the CPC shows that absent such a provision no such power could be implied into the discretion of the executing Court or regarded as otherwise available to it in any general provision relating to the execution of a decree.

6. For the foregoing reasons it was announced at the conclusion of the hearing that the leave petition was being converted into an appeal and allowed. It is so ordered."

JUDGE

JUDGE