

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Const: Petition No. D-2078 of 2026
{Arshad Zaman V/S Province of Sindh & Others}

Date	Order with signature(s) of Judge(s)
1.For orders on Misc. No. 11132/2026	
2.For orders on Misc. No.11133/2026	
3.For orders on office objection.	
4.For hearing of Misc. No. 8315/2026.	
5.For hearing of Misc. No. 8316/2026.	
6.For hearing of main case.	

11th August, 2026.

Petitioner present in person
Ms. Shazia Hanjrah, Deputy Attorney General
Mr. Faizan A. Memon, Addl.A.G.Sindh
Mr. Muhammad Kamran Baloch, A.A.G.Sindh.
Mr. Fahim Hussain Panhwar,A.P.G.Sindh.
DSP Mazhar Iqbal and Inspector Waheed Iqbal for respondent No.3.

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Muhammad Saleem Jessar, J.:- The petitioner, who is appearing in person, submits that he has instituted Civil Suit No. 474 of 2026, which is presently pending adjudication before the learned VIth Senior Civil Judge, Karachi-South *Re: Arshad Zaman V/S Shahid & others*. He further submits that other side, despite being absconding in a number of cases, has not been arrested by the police and alleges that the same is due to payment of illegal gratification to the police authorities. The petitioner further states that his registered vehicle has been taken away by the other side and has not yet been recovered. In this regard, he submits that he intends to file an application before the Excise Department, along with a copy of the relevant FIR, seeking blocking and tracking of the said vehicle.

In pursuance of notice, DSP Mazhar Iqbal appeared before the Court and submitted that several FIRs have been registered by the parties against each other and that the matters arising therefrom are pending adjudication before the competent forums.

From the averments contained in the petition, as well as from the submissions made by the petitioner, it appears that the dispute between the parties primarily relates to civil/transactional matters. The petitioner himself has acknowledged that a civil suit concerning the dispute is already pending adjudication before the learned Senior Civil Judge, Karachi-South.

It is a settled principle of law that disputed questions of fact, particularly those requiring recording and appraisal of evidence, cannot ordinarily be adjudicated in constitutional jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 (The Constitution). The extraordinary jurisdiction of the High Court is intended primarily to examine the legality or propriety of an action of a public authority where such illegality can be determined without undertaking an elaborate inquiry into disputed facts. Where an adequate and efficacious alternate remedy is available before a court of plenary jurisdiction, the constitutional jurisdiction ought not ordinarily to be invoked. In this regard, reliance may be placed upon the case of *FAIZ ULLAH KHAN AND OTHERS V. MEMBER BOARD OF REVENUE PUNJAB, LAHORE AND OTHERS* (PLD 2026 FCC 97 = 2026 CJ Review 9), the Hon'ble Court has reiterated that where a controversy involves intricate, disputed or contentious questions of fact requiring recording and appraisal of evidence, the same falls within the domain of a court of plenary jurisdiction and cannot ordinarily be determined by the High Court in exercise of its constitutional jurisdiction. Likewise, in the case of *SPECIAL SECRETARY-II (LAW & ORDER), HOME & TRIBAL AFFAIRS DEPARTMENT, GOVERNMENT OF KHYBER PAKHTUNKHWA V. FAYYAZ DAWAR* (2023 SCMR 1442), wherein the Hon'ble Supreme Court reiterated that disputed questions of fact cannot be entertained and adjudicated in writ jurisdiction being barred by Article 212 of the Constitution and that an adequate remedy means an effectual, accessible, advantageous and expeditious remedy.

In the present case, the petitioner himself has admitted the pendency of Civil Suit No. 474 of 2026 *Re: Arshaed Zaman V/S Shahid & others* before learned VIth Senior Civil Judge, Karachi-South. The controversy between the parties, therefore, involves disputed questions arising out of their alleged financial and transactional dealings, which are already *sub judice* before the competent civil forum and can appropriately be determined there after recording evidence. Consequently, no ground has been made out for interference in the constitutional jurisdiction of this Court. In view of foregoing, the instant petition, being devoid of merits and involving disputed questions of fact which are already *sub judice* before the competent civil court, is hereby dismissed along with listed applications.

As regards the allegation of harassment by the official respondents is concerned, in terms of the constitutional guarantee embodied in Article 4 of the Constitution, every person is entitled to be treated in accordance with law, while Article 9 protects the life and liberty of a person except in accordance with law. The official respondents are, therefore, directed to ensure that the petitioner is not subjected to any harassment, intimidation, or unnecessary interference except strictly in accordance with law.

The petition stands dismissed in the above terms.

Judge
Head of Const. Benches

Musharraf/Aamir/PS

Judge