ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No.D-3146 of 2018
(Hassan Abbas v. Khalid Abbas and another)

Date	Order With Signature Of Judge

Before:-
Mr. Justice Riazat Ali Sahar
Mr. Justice Ali Haider 'Ada'

Date of hearing & order: 04.11.2026

None present for the petitioner.
Mr. Zohaib Zulfiqar Sarki, Addl. AG Sindh.

ORDER

Riazat Ali Sahar, J. Through the instant constitutional petition, the petitioner seeks to restrain respondent No.2 from proceeding with the auction of the subject property in S.M.A. No.536/2005, pending before the Court of Karachi East, scheduled for 24.04.2018 pursuant to an advertisement published in Daily Express, Karachi, on 22.03.2018. The petitioner claims to have submitted a suo motu case before the Hon'ble Supreme Court of Pakistan and seeks suspension of the auction proceedings till finalization of the said matter.

2. The instant petition, instituted in the year 2018, has remained pending before this Court for a considerable period. At the inception of the proceedings, vide order dated 20.04.2018, this Court observed that the petitioner and respondent No.1 were already engaged in litigation concerning certain immovable properties, including HCA No.184/2011, which had reportedly travelled up to the Hon'ble Supreme Court of Pakistan. However, neither the pleadings nor the orders/judgments passed in the previous litigation had been placed on record. Accordingly, the petitioner was directed to produce the relevant documents of the previous proceedings along with a statement in the office of this Court,

3. We have heard the learned Assistant Advocate General and perused the available record. The material available on record reflects that the subject property is already involved in judicial proceedings, and the petitioner has failed to disclose the complete particulars and outcome of the previous litigation, notwithstanding the specific directions issued by this Court. In the absence of the relevant pleadings and judicial orders, this Court cannot ascertain the precise nature of the petitioner's claim, the legal status of the subject property, or the effect of the previous proceedings upon the relief sought in the instant petition. Such omission assumes significance, particularly when the petitioner seeks interference with auction proceedings arising out of an existing judicial matter.

4. It is a settled principle that the jurisdiction vested in this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, is extraordinary and discretionary in nature and can be exercised only where the petitioner establishes a legally enforceable right and demonstrates infringement thereof through an act or omission contrary to law. The mere submission of a suo motu application or representation before the Hon'ble Supreme Court of Pakistan, in the absence of any order restraining the auction proceedings, does not constitute a lawful basis for suspension of proceedings before a competent Court. The petitioner has neither produced any order of the Hon'ble Supreme Court granting such restraint nor established any illegality, jurisdictional defect, or violation of a fundamental or legal right warranting interference by this Court.

5. Furthermore, the petitioner has failed to substantiate his claim through the requisite documentary material and has remained absent despite the passage of considerable time and specific directions issued by this Court. The constitutional jurisdiction of this Court cannot be invoked to interrupt judicial proceedings concerning the subject property on the basis of unsubstantiated assertions or incomplete disclosure of material facts. The petitioner has, therefore, failed to establish any lawful entitlement to the relief claimed or to make out a case for exercise of constitutional jurisdiction in his favour.

6. In view of the foregoing discussion, we are of the considered opinion that the instant petition is devoid of merit and does not warrant interference by this Court. Consequently, the **constitutional petition is dismissed on merits**, along with the pending application(s).

JUDGE

JUDGE

Shahzad Soomro