

**ORDER SHEET**

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

C. P. No. D - 1181 of 2026

[Sui Southern Gas Limited v. Federation of Pakistan & others]

**Present:**

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Muhammad Hasan (Akber)

For Petitioner : Mr. Hamayoun Sheikh, Advocate

For Respondents : Nemo

Date of hearing : 22.10.2026

Date of decision : 22.10.2026

**ORDER**

**Adnan Iqbal Chaudhry J.-** The petitioner has challenged order dated 22.05.2026 passed by the District & Sessions Judge, Sukkur, acting as Gas Utility Court under the Gas (Theft Control and Recovery) Act, 2016 [Act], whereby leave to defend has been granted to respondents 2 and 3 in a suit for recovery filed by the petitioner.

2. At the outset it is noted that section 13 of the Act does not provide an appeal from a leave-granting order, and therefore, learned counsel is queried whether the same objective can be achieved by way of a writ petition, for it has been observed by the Supreme Court in *President, All Pakistan Women Association, Peshawar Cantt v. Muhammad Akbar Awan* (2020 SCMR 260) that when the statute does not provide the right of appeal against certain orders, the same cannot be challenged by invoking the constitutional jurisdiction of the High Court in order to gain a similar objective.

3. Learned counsel submits that the Gas Utility Court did not appreciate that the leave to defend application was time barred, and therefore the leave granting order is perverse and can thus be remedied in writ jurisdiction. However, the impugned order reflects that the Court was of the view that the question of limitation was not free from questions

of fact. We do not see how such an order can be termed perverse. Nevertheless, in the event the suit is eventually decided against the petitioner, the leave granting order will have merged in the final judgment and decree, which can then be assailed by the petitioner by way of a statutory appeal along with the stated point of limitation. With that observation, the petition is dismissed.

J U D G E

J U D G E

Abdul Basit