

**ORDER SHEET  
THE HIGH COURT OF SINDH, KARACHI**

CP No.D-2573 of 2022

Date	Order with signature of Judge(s)
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1. For orders on CMA No.12590/2022.
2. For orders on office objection.
3. For orders on CMA No.11773/2022.
4. For hearing of main case.

**17.05.2022**

Mr. Aamir Pervaiz Kayani, advocate for the petitioner.

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(1) Granted. (2) Deferred. (3) Granted; subject to all just exceptions.

(4) The petitioner seeks to agitate an ostensibly private dispute in the writ jurisdiction of this Court. Learned counsel was confronted with regard to maintainability, however, he remained unable to satisfy this court.

*Prima facie* the purported dispute is between the petitioner and the respondent no. 5, a private person. It is settled law that a writ under Article 199 of the Constitution ought not to be issued in respect of private respondents and even otherwise the petitioner seeks enquiries of a factual nature, which is not amenable for adjudication in writ jurisdiction<sup>1</sup>. It is noted that while the primary grievance appears to be against a private respondent, the official respondents seem to have been impleaded to seek the adjudication of the grievance before this court, in the exercise of its writ jurisdiction. A Division Bench of this High Court, in *Muhammad Saddiq case*<sup>2</sup>, had deprecated the invocation of the writ jurisdiction in private disputes and had held that such action, merely to overcome objections of the branch with respect to maintainability, cannot but be disapproved. A subsequent Division Bench has also maintained<sup>3</sup> that the masquerade of pleadings to invoke the Constitutional jurisdiction of this court is undesirable.

In so far as the issue of harassment / protection is concerned, it is apparent that the petitioner has not invoked any forum of first instance in such regard. Direct recourse to writ jurisdiction in such matters has been deprecated by the august Supreme Court *inter alia* in *Younus Abbas & Others vs. Additional Sessions Judge, Chakwal & Other* reported as *PLD 2016 SC 581*.

In view of the reasoning and rationale herein contained, we are of the considered view that the petitioner's counsel has been unable to set forth a case for the exercise of discretionary writ jurisdiction by this Court, hence, this petition is hereby dismissed *in limine*.

JUDGE

JUDGE

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<sup>1</sup> 2016 CLC 1; 2015 PLC 45; 2015 CLD 257; 2011 SCMR 1990; 2001 SCMR 574; PLD 2001 Supreme Court 415.

<sup>2</sup> *Muhammad Saddiq & Another vs. Ruqaya Khanum & Others* reported as *PLD 2001 Karachi 60*.

<sup>3</sup> *AKD Investment Management Limited & Others vs. JS Investments Limited & Others* reported as *2020 CLD 596*.