

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
 C. P. No. D-3804 of 2022

Date	Order with signature of Judge
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For orders as to maintainability.

04.11.2022.

Mr. Farhan Zia Abrar, Advocate for the Petitioners.

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**YOUSUF ALI SAYEED, J. -** The Petitioners seek that action be initiated by the Sindh Healthcare Commission (the “**Commission**”) against the Afroz Memorial & General Hospital, said to be situated in a building at Plot No.B-96, Sector 11-A, North Karachi, Karachi, on the ground that it is being run by the Respondent No.4, who is unqualified and untrained in that regard.

Albeit the Petitioners seeking to project the matter as one of regulatory failure on the part of the Commission, a closer examination reflects that the Petitioners are embroiled in a civil dispute with the Respondent No.4, inasmuch as it has been alleged that the Petitioner No.1 is the owner of the said building and gave the same on rent to the Respondent No.4, who posed himself to be a licensed medical practitioner and thus induced the Petitioners to enter into a Partnership with him so as to establish the aforementioned Hospital, with the Petitioners claiming to have invested a substantial sum in such venture. Apparently, a dispute subsequently arose, resulting in the breakdown of the partnership and initiation of a civil proceeding for its dissolution, which remains pending.

As such, it is apparent that the Petition has been brought so as to advance the cause of the private dispute between the Petitioners and the Respondent No.4. Furthermore, the Petitioners have not made any proper representation/complaint to the Commission, other than legal notice sent through Counsel.

Under the given circumstances, where the Petition appears to have been filed for an ulterior purpose that is already the subject of a civil proceeding and where the Petitioners have even otherwise not properly approached the Commission, we see no force in the matter in hand, which stands dismissed accordingly leaving the Petitioners to pursue their remedy through a proper representation before the Commission, if so desired.

JUDGE

CHIEF JUSTICE

MUBASHIR