

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-1405 of 2023

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| Date | Order with signature of Judge |
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FOR DIRECTIONS.

1. For orders on CMA No.7441/2023.
2. For orders as to maintainability of the Petition.

21.03.2023.

Mr. Qaim Ali Memon, Advocate for the Petitioners.

YOUSUF ALI SAYEED, J. - The Petitioners have invoked the jurisdiction of this Court under Article 199 of the Constitution, impleading the Federation of Pakistan, the Director of Hajj, the Securities & Exchange Commission of Pakistan and two private persons as the Respondents No.1 to 5 respectively, with it being prayed that this Court be pleased, inter alia:-

- a. To direct the official respondents for not change of management of M/s. Al Ansar Travel and Tours (Pvt.) Limited.*
- b. To direct the official respondents for taking legal action against the Respondent No.4 and 5 on filling of fake application for change of management as well as making forge signature of the Petitioners.*
- c. To direct the respondents for taking legal action against the Respondent No.4 and 5 for transferring of the shares 74800 shares on their own names.”*

As can best be discerned from the pleadings, the Petitioner No.1 professes to be the Chief Executive of a private limited company engaged in the business of travel and organizing of Hajj tours, whereas the Petitioner No.2 is said to be the Director and Shareholder thereof. Their dispute relates to the private Respondents No.4 and 5, inasmuch as said

Respondents are said to have engaged in the fraud and cheating by forging certain signatures for purpose of transfer of shares and change of management, so as to assume control of the Company. It has been stated that the Respondent No.5 is the father-in-law of the Petitioner No.1, and that he also obtained certain cheques under false pretenses. Disparately, it has also been alleged that the Respondent No.5 is a mentally disordered person, requiring examination and committal to an Institute under the Mental Health Ordinance.

Having examined the matter, we are of the view that the same clearly entails a dispute that lies in the private domain and does not properly form the subject of a proceeding under Article 199 of the Constitution. That being so, we find the Petition to be misconceived. Hence, while granting the application for urgency, we hereby dismiss the Petition *in limine*, along with the other miscellaneous applications.

JUDGE

CHIEF JUSTICE

MUBASHIR