

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI  
C.P. No.S-411 of 2024

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Date	Order with signature of Judge
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For hearing of main case

14.05.2024

Mr. Abdul Haleem Jamali, Advocate for the petitioner.

Mr. Ahmed Khan Khaskheli, AAG.

SIP M. Khan, P.S. Mehar/I.O. of the case.

Alleged Detenues Qaz Bano and Baby Asma are present in Court  
alongwith Imdad Ali

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Alleged abductee Qaz Bano is present alongwith her children as well as her husband namely Imdad. She submits that she has contracted marriage with Imdad in the year 2018 and has two children. No one kidnapped or abducted her and has been living with her husband happily and states that there is a serious threats to her life as brother of her husband has been murdered by her parents. The petition is ill motivated as well as vexatious litigation, wasting the time of Court. Such frivolous, vexatious and speculative litigation unduly burdens the courts giving artificial rise to pendency of cases which in turn clogs the justice system and delays the resolution of genuine disputes. Such litigation is required to be rooted out of the system and one of the ways to curb such practice of instituting frivolous and vexatious cases is by imposing of costs. The spectre of being made liable to pay actual costs should be such as to make every litigant think twice before putting forth a

vexatious claim or defence<sup>1</sup> before the Court. These costs in an appropriate case can be over and above the nominal costs which include costs of the time spent by the successful party, the transportation and lodging, if any, or any other incidental cost, besides the amount of the court fee, process fee and lawyer's fee paid in relation to the litigation<sup>2</sup>. Imposition of costs in frivolous and vexatious cases meets the requirement of fair trial under Article 10A of the Constitution, as it not only discourages frivolous claims or defences brought to the court house but also absence of such cases allows more court time for the adjudication of genuine claims. I, therefore, dismiss the present petition with costs of Rs.1000/- (rupees one thousand) which shall be deposited by the learned counsel for the petitioner with Sindh High Court Clinic.

JUDGE

Aadil Arab

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<sup>1</sup> Vinod Seth v. Devinder Bajaj (2010) 8 SCC 1; Province of Balochistan v. Murree Brewery Company PLD 2007 SC 386 (5-MB).

<sup>2</sup> Ibid