

ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

Suit 605 of 2018
Suit 606 of 2018
Suit 1504 of 2020

Date: Order with signature of the Judge

1. For ex-parte order against defendants No.1 and 3
2. For hearing of CMA No.9645/2021

18.09.2024

Mr. Shoaib Ahmed Khatiyani, advocate for the plaintiffs
(Suits 605 and 606 of 2018)

Mr. Adnan Abdullah, advocate for the plaintiff
(Suit 1504 of 2020)

Mr. Muhammad Hassan Akbar, Advocate General Sindh
Mr. Ali Safdar Depar, Assistant Advocate General
Ms. Shahnaz, advocate for defendant No.4

The lead suit is pending since 2018 and the matter is listed *inter alia* for *ex parte* orders against the defendant no. 1 – Province of Sindh. The Province is listed as the primary defendant; there is no cavil to service having been effected thereupon; however, the Province has not deigned to file any written statement / counter affidavit herein. Suffice to state that six years later the suit/s is still at its nascent stage on account of apparent abdication of duty by the Province.

Respectfully and rather unfortunately, this is not an isolated instance as each day numerous civil suits are listed before this Court in which proceedings are at a standstill, for years, on account of the Province not having fulfilled its duty. Irrespective of the merits of a case, the absence of the requisite written response, of the impleaded Province, impedes the cause of justice and in the very least raises the unwarranted specter of judgments / orders being rendered to the manifest detriment of the Province. Notwithstanding the foregoing, ultimately it is the claimant litigant that suffers needlessly as the *lis* remains pending *ad infinitum* for no fault attributable thereto.

In the recent past, the learned Advocate General Sindh was issued notice on at least three separate occasions, in respective suits, and instructed to explain the manifest disregard of duty by the Province. On each occasion this Court was informed that the AG Office is in correspondence with the relevant departments and has not received a reply thus far therefrom.

The learned Advocate General was called into Court once again today with respect to the manifest failure of duty by the Province and his response remained the same. It was articulated that there are over a hundred departments etc. in the Government of Sindh, hence, it was not possible to coordinate with each of them. The learned AG added that a meeting was held with the Chief Secretary to address this issue. Respectfully, the said response was unsatisfactory in the past and fares no better today.

The Advocate General Sindh is a Constitutional office and the holder thereof is the primary law officer of the Province; *inter alia* an interface between the executive and the judiciary. The office is integral to the dispensation of justice and cannot be considered to be a mere post office; restricted to conducting correspondence between the Court and the executive.

Since the learned Advocate General has unequivocally submitted that the AG Office is unable to perform its function due to *lack of timely correspondence* by the relevant departments and that the perceived *non-functioning* of the AG Office can only be remedied by the Chief Secretary, therefore, let the worthy Chief Secretary Sindh be present in Court on 03.10.2024; along with a written explanation.

A copy of this order may be communicated to the worthy Chief Secretary Sindh by the learned Advocate General Sindh for compliance. Office is instructed to place copy of this order in connected matters.

Judge

Amjad