

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

PRESENT:

*Mr. Justice Aqeel Ahmed Abbasi, CJ*  
*Mr. Justice Abdul Mobeen Lakho, J*

**C.P. No.D-356 of 2024**

---

Date	Order with signature of Judge
------	-------------------------------

---

FRESH CASE:

1. For order on CMA No.1724/2024 (Urgent).
  2. For order on office objection Nos.1 & 2.
  3. For order on CMA No.1725/2024 (Exemption).
  4. For order on CMA No.1726/2024 (Stay).
  5. For hearing of main case.
- 

**Dated; 24<sup>th</sup> January 2024**

Petitioner Mr. Muhammad Mohsin Khan Advocate  
present in person.

- \* \* \* \* \*

1. Urgency granted.
  2. Learned counsel for the petitioner undertakes to comply with office objections before the next date of hearing.
  3. Exemption granted subject to all just exceptions.
- 4&5. Through instant Constitutional Petition, the petitioner has expressed his grievance against issuance of Circular dated 02.12.2023 issued by the District & Sessions Judge, Karachi South, which reads as follows: -

**CIRCULAR**

*All the Learned Presiding Officers are required to make it ensure that no party or advocate inspects the file without making proper application and after its grant with the condition of time allocated to inspect the file and also in the supervision of any of the official of the court. No Advocate or party is allowed to inspect the file without making proper application in this regard.*

*Sd/- 02.12.2023*  
*District & Sessions Judge*  
*Karachi South*

Petitioner, who is an advocate by profession appearing in person submits that while pursuing a succession matter before the District & Sessions Judge, Karachi South, he was informed that

certain reports have been received from different quarters with regard to the assets and liabilities of the deceased, which as a counsel, he wanted to inspect and proceed with the matter, however, such inspection was not allowed in view of the impugned circular, which is available as Annexure P/3 at page 17 of instant petition. Whereas, according to petitioner, in terms of proviso of Rule 337 of the Sindh Civil Courts Rules, such inspection could have been allowed. Petitioner has referred to such proviso, which reads as follows: -

**337. Inspection allowed only on application in writing.** - *Inspection of the record or a part of the record of a suit or matter may be allowed only after such notice as he may think necessary by an order of the Judge on an application made in writing in that cant behalf, entitled in such suit or matter and signed by a party or his the pleader, and on the payment of a fee of rupee one (including the Court fee payable on the application). Such fee shall be paid by Court fee stamp affixed on the application. The application shall set out the particular document or documents of which inspection is required :*

*Provided that a party or the pleader of a party engaged in a suit or matter affixed for the day in Court may be permitted to inspect the record of such suit or matter in the presence of the chief ministerial officer or other officer in attendance in Court without applying in writing for it and without payment of any fee."*

It has been further contended by the petitioner that he has also filed an application in the Court of District & Sessions Judge, Karachi South with a request to review or modify above circular regarding access to the file in Court Room, however, such application has not been allowed with an observation that "No Action File", therefore, he has no remedy but to approach this Court with a prayer that impugned circular may be declared as illegal and in violation of the aforesaid Rule.

Heard the petitioner and perused the record of this case as well as have also examined the proviso of Rule 337, ibid and from perusal of the aforesaid circular issued by the District & Sessions Judge, Karachi South, it appears that same has been issued in line with the aforesaid proviso of Rule, as there is no restriction with regard to the inspection of the file in Court, however, subject to fulfillment of conditions as disclosed in the aforesaid Rule, whereas, request of the petitioner seeking review or modification of the impugned circular was also misconceived and has been rightly declined. We may further observe that judicial and executive order(s) passed by the District &

---

Sessions Judge are not amenable to writ jurisdiction in view of the definition of the person in terms of Article 199(5) of the Constitution of Pakistan, wherein, the word "Courts" are excluded from the definition of the person. While confronted with hereinabove position, petitioner does not press instant petition, however, submits that respondents may be directed to ensure implementation of the impugned circular keeping in view of hereinabove proviso of Rule 337, ibid. Since there has been no restriction in the impugned circular relating to a situation for inspection of file in Court, therefore, no orders are required from this Court to this effect.

Instant Constitutional Petition stands dismissed as not pressed in the above terms.

**CHIEF JUSTICE**

**JUDGE**

\*Farhan/PS\*

---