

**IN THE HIGH COURT OF SINDH,
AT KARACHI**

Suit No.2320 of 2016

Plaintiff : Syed Feroze Ali, through Fahad
Mushafay, Advocate.

Defendants Nos.1 to 4 : M/s. Aurora Broadcasting
Service (Pvt) Ltd and others,
through Tariq A. Memon,
Advocate.

Defendant No.8. : Syed Farhat Ali, through Farhat
Gul Malik, Advocate.

Date of hearing : 21.03.2024.

ORDER

YOUSUF ALI SAYEED, J. - The Suit is one where the Plaintiff has claimed damages against various sets of Defendants severally in distinct sums, with the case set up through the pleadings being predicated on the assertion that he was wrongly arrested on 17.7.2013 in pursuance of FIR No.240/2013 registered at the New Town Police Station, Karachi, under Sections of 392, 420 and 506-B of the Pakistan Penal Code at the behest of the Defendant No.8, with a report of his arrest having been aired by the Defendants Nos. 1 to 4 on 17.07.2013 and 18.07.2013, and the ensuing criminal proceedings then terminating on 25.04.2016 through his acquittal under S. 249-A Cr.P.C.

2. The Defendants Nos. 1 to 4, who are broadcasting companies running their respective television channels, have filed CMA Nos. 3395/17 and 12820/22, with the first of those applications being one under Order 1, Rule 10(2) CPC, seeking that they be struck off from the proceedings and the second under Order 7, Rule 11 CPC, that the plaint be rejected.

3. The common thread running through and intertwining both those applications of the Defendants Nos. 1 to 4 is that the same are predicated on the plea that the claim to their extent is barred by limitation.
4. Another Application under Order 7, Rule CPC, bearing CMA No. 15704/22, has also been filed on behalf of the Defendant No.8 on the ground that the Plaintiffs acquittal was the product of a compromise, from which it can be inferred that the underlying plea is perhaps that a cause of action is lacking.
5. From a perusal of the plaint, it is apparent that the Plaintiff has conflated a claim for malicious prosecution against the Defendant No.8 with a claim for defamation, which encompasses the Defendants Nos. 1 to 4. Both of those torts are separate from one another, having distinct elements and presenting unique causes of action with different periods of limitation, as prescribed under Articles 23, 24 and 25 of Schedule 1 of the Limitation Act, 1908, being as follows:

Description of suit	Period of limitation	Time from which period begins to run
23. For compensation for malicious prosecution	One year	When the plaintiff is acquitted, or the prosecution is otherwise terminated
24. For compensation for libel.	One year	When the libel is published.
25. For compensation for slander.	One year	When the words are spoken or, if the words are not actionable in themselves, when the special damage complained of results.

6. Admittedly, the news complained of was broadcast by the Defendants 1 to 4 on 17.07.2013, with a legal notice in that regard having been sent to them on behalf of the Plaintiff on 20.09.2013, which was replied to on 09.10.2013. As the Suit was filed on 29.10.2016, more than 3 years and 3 months from that date, the claim advanced against those Defendants is time barred, with it thus being unnecessary to dwell further on whether the claims could have been intertwined as aforementioned. However, as for CMA No. 15704/22, on a reading of the Order dated 25.04.2016, the same is found to be misconceived.

7. In view of the foregoing, the Suit stands dismissed as against the Defendants Nos. 1 to 4, with the aforementioned Applications moved by them standing disposed of accordingly, whereas CMA No. 15704/22 also stands dismissed.

JUDGE

MUBASHIR