

Order Sheet

IN THE HIGH COURT OF SINDH KARACHI

Suit No. 1432 of 2024

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

For order on CMA No.160/25 (urgent)

08.01.2025

Mr. Muhammad Mohsin Khan, Advocate for Plaintiff

Plaintiff Counsel has moved an urgent application praying for urgent relief, although this Court has already listed this matter for hearing on 22.01.2025. Counsel pleaded that this bench of the Constitutional Court, as an interim measure, may, without notice, issue directions to the Federal Government/Customs (Authority) to release the consignment, etc.

At this stage, this bench has queried whether, after the passing of the 26th Amendment to the Constitution of the Islamic Republic of Pakistan 1973 (the "1973 Constitution"), this bench, according to the Roster assigned to it, i.e. exercising original jurisdiction, can even entertain this lis, and if so, grant interim relief which is in the nature of the same relief which the 26th Amendment has specifically assigned to the roster of the Constitutional Bench of the High Court under Article 199(a)(i) and (c) and Sub-Article 3 of the Article 202(A) of the 1973 Constitution. In order words, whether the 26th Amendment has prima facie removed from the roster matters assigned by the Constitutional Court (of the High Court of Sindh) under Section 9 of the CPC, 1908, as such matters are to be dealt by the Constitutional Benches under Article 202(A)(3) alone, particularly, when the Plaintiff, as per the pleadings, in the present circumstances, has impleaded only Government Officials as Defendants and none else (no private defendants, either)? Plaintiff's Counsel has sought time to address the question raised by this bench on the next hearing date.

Although this matter is already fixed for hearing on 22.01.2025, in light of the question raised above, the office will repeat notice to the Attorney General's Office, Sindh, along with a copy of this Order for **22.01.2025**.

JUDGE

Ashraf