

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
H.C.A. No.98 of 2024

[Muhammad Saleem v. Pakistan Audit Department Employees Cooperative Housing Society Limited]

Date	Order With Signature Of Judge
------	-------------------------------

1. For hg of main case
 2. For hg of CMA No.608/24
- 13.03.2025.

Mr. Muhammad Vawda, advocate for appellant.
Mr. Ahmed Ali Hussain, advocate for respondent No. 7.
Mr. Muhammad Hisham Mahar, Assistant Advocate General.

MUHAMMAD IQBAL KALHORO, J:- This High Court Appeal impugns an order dated 06.03.2024, passed by learned single Judge, exercising Original jurisdiction in Suits No. 1523 and 1817 of 2023. In the order, learned single Judge, noting down that a purported extract of Board Resolution dated 12.09.2023, the genesis of the suit, was forged one, as the signatory of the extract, namely, Ms. Noureen Bano had filed a statement in the Court that she had not signed such extract and her signature thereon was false, proceeded to issue a show-cause to the appellant as to why the action should not be taken against him for filing the forged documents in the Court. Then in paragraph 4 of the order, learned single Judge, while further observing that since the suit has been filed on a forged document and contents appear to have been falsely sworn on oath, directed the Registrar of this Court to register FIR against appellant, Muhammad Saleem.

2. Learned counsel for appellant submits that he is aggrieved by such observation only, otherwise he has no objection if the procedure/process pursuant to show-cause notice is continued to determine whether the purported extract of Board of Resolution on the basis of which the suit was filed is forged one or not because the same lady had subsequently filed an affidavit in the suit declaring her earlier

statement i.e. claiming forgery, was obtained under coercion and harassment.

3. Learned counsel for respondents submits that since such forged document has been filed in the Court, it is purely up to the Court to deal with the situation and curb such practice.

4. We are of the view that when the same person subsequently filed an affidavit disowning her earlier statement declaring her signature on extract as false; and supported the fact that her earlier statement was obtained under coercion, the whole matter calls for some inquiry to determine whether the purported extract of Board of Resolution is forged one or not and therefore, pending such inquiry, no criminal action shall ensue. Learned counsel for respondents has submitted that FIA investigation in respect of affairs of the society has been concluded. Be that as it may, we dispose of this appeal by setting aside the observation regarding registration of FIR against appellant Muhammad Saleem till the process pursuant to show-cause notice to him is completed and this fact is determined whether the suit has been filed on a forged document or not.

The appeal is accordingly disposed of in above terms along with pending application.

JUDGE

JUDGE

HANIF

