

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. S-260 of 2021
(Mst. Saphooran through L.Rs. Vs. Asif & Others)

Date

Order with signature of Judge

For orders as to maintainability of Petition.

11.08.2025.

M/s. Ahmed Ali Hussain, Wahiba Junejo & Muhammad Ahmed Khatri, Advocates for Petitioner.

Mr. Sohail Muhammad Leghari, Registrar High Court, Sindh.

Mr. Waseem Ahmed Phulphoto, Additional Registrar, Research

On the last date of hearing following order was passed:-

“This Larger Bench has been constituted to resolve conflicting views of two learned Division Benches of this Court in respect of the issue that *“Whether the matter in question as well as other identical matters challenging orders of the Additional District & Sessions Judges as well as District Judges passed in Civil Revision Applications are to be heard and decided by a Division Bench of this Court or a Single Bench.”* Though some response is available on record from the Registrar office; however, we deem it appropriate to direct the Registrar to assist us with comprehensive comments and the procedure since adopted by this Court. The Registrar may also make effort to assist us as to the procedure prevailing in learned Lahore High Court as this Court has adopted the Lahore High Court Appellate Side Rules for such purposes. Notice may also be issued to the office of Advocate General as time and again they have been called absent in these matters.

To come up on **11.08.2025** at **11:00 A.M.**”

Today, learned Registrar has affected appearance and has placed his report along with the relevant provisions of the Rules and Orders Volume V of Lahore High Court, Lahore, which presently, are applicable to this Court by way of adoption. According to him Part-II of this provision deals with hearing of Constitutional Petitions and Rule 3 thereof, requires that unless otherwise ordered by the Chief Justice, all matters are to be listed before Division Benches. He submits that the issue in hand can be resolved through an administrative order of the Chief Justice as in respect of various other type of cases orders have already been issued for hearing of such matters by a Single Bench.

Record reflects that the issue in hand emanates from the fact that whether a Petition against an order passed by an Additional District Judge or a District & Sessions Judge in a Civil Revision is to be heard and decided by a Single Judge of this Court or a Division Bench. On 17.03.2021 in the instant Petition the matter was referred to a Single Judge of this Court on the Appellate Side and thereafter, this Larger Bench was constituted as apparently, there were conflicting views of different Division Benches as to whether such like matters are to be decided by a Single Bench of this Court or a Division Bench. Since then this case has been fixed before various Benches but has not been decided finally on merits.

However, after going through the material available on record and the orders passed by various Division Benches of this Court, in our considered view, the issue in hand does not require any substantial interpretation inasmuch as the same has to be dealt with and decided by the Chief Justice of this Court on the administrative side as per Rule 3, Chapter IV-J, Volume V of Rules and Orders of the Lahore High Court.

The said Rules confers discretion upon the Chief Justice of this Court to determine whether any matter is to be placed before a Single Judge or a Division Bench. The orders passed in Civil Revision Applications filed under Section 115 CPC and impugned before this Court are passed either by an Additional or a District and Session Judge, and all such orders of the said Judicial Officers while exercising other jurisdictions are heard by Single judges of this Court, unless otherwise so ordered by the Chief Justice on the administrative side. Record further reflects that this power / discretion has been exercised from time to time by successive Chief Justices of this Court and various orders have been passed for hearing of cases by Single Benches of this Court arising out of Labor Court, Industrial Relations Ordinance (except orders of Appellate Tribunal and NIRC), orders passed under Sindh Crime Control Act; Appeals and Petitions under Cantonment Rent Restriction Act, Petitions

under the Family jurisdiction, Petitions of detention of persons in private custody; petitions relating to alleged excesses by the Police; petitions under the Sindh Rented Premises Ordinance, 1979, as submitted by the learned Registrar.

In view of hereinabove facts and circumstances of this case, in our considered view, it would be just and appropriate to refer the matter to the Chief Justice of this Court on its administrative side for considering issuing an appropriate Circular, if so approved, for hearing of matters arising out of orders passed in Civil Revision Applications by the Additional or District and Session Judges, by a Single Judge of this Court instead of a Division Bench.

This Petition stands disposed of in the above terms. Office to make compliance.

CHIEF JUSTICE

J U D G E

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Arshad/