

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Civil Revision Application No.156 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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- 1. For order on office objection
- 2. For order on CMA No.1610/2025 (Fast track)
- 3. For hearing of CMA No.2068/2024 (stay)
- 4. For hearing of main case

15.12.2025

.Mr.Aqeel Ahmed Siddiqui, Advocate for applicant

- 1. Deferred.
- 2. As per the several affidavits in support of applications filed by the applicant and duly verified by the NADRA verification branch of this Court, as available on record, it is apparent that the applicant, born on 02.02.1950, is more than 75 years old. Accordingly, the application is allowed. Office is directed to add a red cover to this file.
- 3. The applicant Counsel submits that following the ad-interim order dated 06.11.2025 passed by this bench in this revision, due to continuing non-appearance of Respondent/Respondent Counsel, the Execution Application No.18/2018 (in Summary Suit No.58/2018), was stayed by this bench in terms of CMA No.2068/2024 filed on 15.05.2024. Still, he argues that the Executing Court has misinterpreted this ad-interim order to mean that all subsequent orders beyond the impugned Order dated 18.01.2024 are stayed. To this end, he contends that the applicant had filed an Application u/O 21 Rule 37 and 40 CPC r/w Section 151 CPC to recall the order incarcerating the 75+ years old applicant. He argues that such order of arrest was (i) contrary to the observation of the Division Bench of the High Court of Sindh Sukkur Bench in an unreported Judgment dated 30.07.2025 passed in Banking 1st Appeal No.32/2025, Sharfuddin v. ZTBL, which the appellant's relative filed as the judgment-debtor was wrongly imprisoned, and (ii) opposed to the observation of the judgment of the Honourable Supreme Court in Criminal Petition No.39-K/2025 dated 30.06.2025, wherein in paragraph-7 it was observed that the practice of

lawyers filing applications under Section 489-F P.P.C. should be ended, and that lawyers should initiate civil proceedings for recovery under Section 73 of the Contract Act, 1872. He submits that the respondent-plaintiff is an Advocate and the Supreme Court judgment is squarely applicable to the case in hand. Respondent Murtajiz Ali is present in Court submits that although he is presently serving as an Officer at the Anti-Corruption Cell, at the material time, when Summary Suit No.58/2018 was filed, he was a practising Advocate. His affidavits corroborate this on record, wherein his photo ID shows him dressed in the official dress of an Advocate. He contends that he is no longer in practice now. Be that as it may, neither applicant nor applicant Counsel has moved any application challenging any order passed by the Executing Court other than the order dated 18.01.2024 impugned in this Revision. Be that as it may, for the removal of doubt, it is clarified that the ad-interim stay order does not come in the way of subsequent order(s) passed by the Executing Court, following the order dated 18.01.2024 impugned in this Revision, and the applicant is at liberty to file an appropriate application as well as the Executing Court remains at liberty to decide matters after 18.01.2024 so long as they do not come in the way of the ad-interim stay and notwithstanding that this (High) Court under its revisional jurisdiction in the light of the Judgment of the Supreme Court in Mst. Banori v. Jilani through Legal Heirs and Others, PLD 2010 Supreme Court 1186, has the power to grant such interim relief as it deems fit to correct jurisdictional errors.

Today, Mr Raza Hussain, Advocate, an associate of learned counsel for the respondent, requests time, stating that his Senior Counsel is unwell. Request is granted. He submits Counter-Affidavit on behalf of Respondent, which is taken on record, and a copy thereof has been provided to learned counsel for the appellant.

To come up **12.01.2026 at 11:00 a.m.**

JUDGE