

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

HCA 113 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders as to maintainability of appeal in view of order dated 09.12.2025.

13.01.2026

Mr. Khurram Ahsfaq, advocate holding brief for Mr. Arshad M. Tayebaly, advocate for the appellant.
Mr. Abdallah Azzaam Naqvi, advocate for the respondent.

This is the matter in which an appeal has been filed against the judgment and decree passed pursuant to the Recognition and Enforcement (Arbitration Agreements and Foreign Arbitral Awards) Act, 2011. On 09.12.2025, the following order was passed:

“09.12.2025

Mr. Talha Javed advocate holds brief for Mr. Arshad M. Tayebaly, advocate for the appellant

Mr. Abdallah Azzaam Naqvi, advocate for respondent

This appeal has been filed under Section 3 of the Law Reforms Ordinance, 1972 which reads as follows:

“3. Appeal to High Court in certain cases (1) An appeal shall lie to a Bench of two or more Judges of a High Court from a decree passed or final order made by a single Judge of that Court in the exercise of its original civil jurisdiction”

(2) An appeal shall also lie to a Bench of two or more Judges of a High Court from an order made by a single Judge of that Court under [clause (1) of Article 2[199] of the Constitution of the Islamic Republic of Pakistan] not being an order made under sub- paragraph (i) of paragraph (b) of that clause :

Provided that the appeal referred to in this sub-section shall not be available or competent if the application brought before the High Court under Article [199] arises out of any proceedings in which the law applicable provided for at least one appeal for one revision or one review] to any court, tribunal or authority against the original order.

(3) No appeal shall lie under sub-section (1) or sub-section (2) from an interlocutory order or an order which does not dispose of the entire case before the Court.

(4) Nothing contained in this Ordinance shall be construed as affecting

(a) any appeal under the provisions of the Letters Patent applicable to a High Court or under section 102 of the Code of Civil Procedure, 1908 (V of 1908), which was pending immediately before the commencement of this Ordinance; or

(b) any appeal or petition for leave to appeal from a decree, judgment or order of a single Judge of a High Court made to the Supreme Court before the commencement of the Law Reforms (Amendment) Ordinance, 1972.]”

Prima facie the impugned judgment has not been rendered in exercise of any original civil jurisdiction. Counsel for the appellant is put on notice to satisfy as to how this appeal is maintainable. To come up on 16.12.2025.”

The said order was premised on the observation that how could appeal be sustained under the cited law once the court has been divested of its original civil jurisdiction and the governing Act does not provision for an appeal. On the last date Mr. Arshad M. Tayebaly, advocate had appeared and had specifically sought adjournment with request for a fixed date, being today. Today brief is being held and adjournment is being sought on behalf of counsel for the appellant. The very maintainability of the appeal was in question before us and as an indulgence time had been granted on specific request for the date sought. Absence of the appellant’s counsel could not be condoned in the present circumstances. In view hereof, High Court Appeal is dismissed for non-prosecution alongwith pending applications.

Judge

Judge