

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-6254 of 2026

Date	Order with signature of Judge
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FRESH CASE.
1. For orders on Office Objection No.1 to 5.
2. For orders on Misc. No.24856/2026.
3. For hearing of main case.

30.09.2026.

Ms. Samira Mahamadi, Attorney of the Petitioner.

The Petition has been filed through an Attorney, who has in turn sought to plead the matter on the Petitioner’s behalf. On the preceding date she had been directed to address the Court on the question of her capacity to do so, and in response thereto has drawn our attention today to a Statement citing Rules under Order III CPC. Having considered the matter, we are of the view that such reliance is misplaced and are fortified in that assessment by the Judgment from the Lahore High Court in the matter reported as Mst. Sana Aslam vs. Ali Imran and others 2024 CLS 10, where it was held *inter alia* that:-

“5. Plain reading of Rule 1 of Order III CPC shows that a recognized agent can appear, file applications or act in or to any Court on behalf of any party. Rule 2 of Order III CPC refer to class of persons, who could be treated as recognized agents of parties, which include person holding power of attorney authorizing him to make and do such appearance, application and act on behalf of the parties. The words “appearance”, “application” and “act” used in Rules 1 and 2 of Order III CPC are not defined therein. However, applying ordinary meaning to these words, the word “appear” means, to be present and to represent the party at various stages of litigation. The words “application” or “act” means necessary steps, which can be taken on behalf of the parties in the Court or in the offices of the Court in the course of litigation. However, the words “appearance”, “application” and “act” under Rules 1 and 2 *ibid* do not include pleadings. Thus, the recognize agent is entitled to appear, file application and act for party but he is not entitled to plead in Court. Such right is only available to pleader under Order III, Rule 4 CPC. When right of pleading is not available to a recognized agent, it follows that he has no right of audience in Court, as such right is a natural and necessary concomitant of the right to plead.

8. *The right to audience, right to address the Court, right to examine and cross-examine the witnesses are part of pleading with which Rules 1 and 2 of Order III CPC does not deal at all. These rules are restricted to appearance, application and acts in connection with the litigation in Court, therefore, there is no manner of doubt that a recognized agent or Attorney of the applicant has no right to plead or audience before this Court.”*

That being said, we have nonetheless proceeded of our own accord to examine the pleadings so as to arrive at a proper determination. As best as can be discerned, the Petitioner, who is the Plaintiff in Suit No.2325/2023 pending before the learned VIII-Senior Civil Judge, Karachi, East, incongruously seeks that the proceedings in that matter be stayed. It has been stated that the Suit was decreed, but the judgment was then set aside on an Application under Section 12 (2) CPC, with Civil Revision No.191/2026 having since been filed, and the Petition prompted due to it being apprehended that an Application under Order VII Rule 11 CPC pending in the Suit would be decided against the Petitioner. Upon consideration, the Petition is found to be misconceived, as the pendency of such Application does not give rise to any actionable grievance, let alone one justiciable under Article 199. Needless to say, if any Order adverse to the Petitioner comes to be made on the Application, a remedy would open up in the normal course under the CPC. As such, the Petition stands dismissed *in limine*, along with the pending Miscellaneous Application.

JUDGE

JUDGE

MUBASHIR