

**IN THE HIGH COURT OF SINDH AT KARACHI****Second Appeal No. 143 of 2025***[Muhammad Ishaq Memon v. Registrar, Sindh High Court and another]*

Appellant : In Person  
Respondents : None Present  
Date of Hearing : 29.09.2026

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**J U D G M E N T**

**SAMAN RAFAT IMTIAZ, J.-** By this judgment I intend to dispose of the instant Second Appeal under Section 100 CPC, filed by the Appellant [Muhammad Ishaq Memon] in person challenging the Order dated 11.03.2025 passed by the learned XII<sup>th</sup> Senior Civil Judge, Karachi South, in Civil Suit No. 710/2025, rejecting the plaint, which was maintained by the learned XII<sup>th</sup> Additional District Judge, Karachi South, in Civil Appeal No. 83/2025 vide Judgment dated 24.03.2025.

2. The background of the dispute, as stated in the memo of appeal, is that the Appellant was falsely implicated in an acid throwing case at the instance of his former wife Mst. Asma Maria and her relatives. He alleges material contradictions in the complainant's versions regarding the date, time and place of incident as well as discrepancies in the medical record and failure to conduct forensic examination of the clothes. He was arrested after 12 days and subsequently acquitted. Thereafter, he filed Civil Suit No. 1312/2017 for damages for malicious prosecution which he personally pursued for about seven years. The suit was dismissed by Judgment dated 21.01.2025 passed by this Court.

3. The Appellant filed Civil Suit No. 710/2025 before the XII<sup>th</sup> Senior Civil Judge, Karachi South, seeking Rs. 20 million in damages for alleged mental torture, loss of time and expenses arising from an allegedly malicious Judgment dated 21.01.2025. The suit was brought against learned Justice who passed the Judgment dated 21.01.2025 (name is intentionally omitted to avoid scandalizing the Court), through the Chief Justice, Sindh High Court, with the Government of Sindh as proforma defendant. The Trial Court, after hearing the Appellant on maintainability, rejected the plaint vide Order dated 11.03.2025 under Order VII Rule 11(d) CPC. It held that, under Section 1 of the Judicial Officers Protection Act, 1850, a Judge cannot be sued in a Civil Court for an act done in the discharge of judicial duties. Since the damages claim was based on the alleged malicious passing of a judicial judgment, the suit was held statutorily barred.

4. The Appellant challenged the Trial Court's order through Civil Appeal No. 83/2025, which was dismissed on 24.03.2025. The Appellate Court held that the Judge was protected from the suit in respect of acts connected with judicial functions, except where malice/bad faith was established. It found the plaint contained only general, vague and bald allegations, without any specific assertion of personal bias, grudge or financial interest. It further held that an aggrieved party should challenge a judicial decision through appeal or review, rather than by a damages suit against the Judge. The appeal was accordingly dismissed and the order dated 11.03.2025 maintained.

5. The Appellant thereafter filed instant second appeal before this Court. On 09.04.2025, the Deputy Registrar (Judicial) returned the appeal with objections that it was improperly constituted, contained objectionable language against a sitting Judge, did not raise any substantial question of law, and primarily challenged factual findings. Questions were also raised regarding the maintainability of a suit against a sitting Judge in his personal capacity for acts connected with judicial functions. The Appellant was directed to remove the Judge's name as Respondent and amend the memo within seven days. He complied and re-presented the appeal on 14.04.2025, naming the Registrar, Sindh High Court, Karachi as Respondent.

6. Heard the Appellant in person and perused the entire record. The Appellant appeared in person and relied upon the case of *A. K. Khalid P.C.S., Section Officer, Ministry of Interior, Government of Pakistan, Rawalpindi v. Khan Ghulam Qadir Khan*, PLD 1962 Lahore 411 to submit that suit for damages is maintainable against a sitting Judge in case of malafides. In Divisional Bench's Judgment of this Court dated 30.12.2021 passed in C.P. No. D-1169 of 2021, it was specifically noted that a degree of immunity stands conferred on Judicial Officers in terms of Section 1 of the Judicial Officers Protection Act, 1850, which mandates that:

***"1. Non-liability to suit of officers acting judicially, for official acts done in good faith, and of officers executing warrants and Orders. No Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction: Provided that he at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of; and no officer of any Court or other person, bound to execute the lawful warrants or orders of any such Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same."***

7. Insofar as the claim of the Appellant is concerned that he is not conferred that immunity in case of mala fides, perusal of the plaint shows that the grounds taken by the Appellant are all grounds which may be taken in an appeal against the judgment passed by the judicial officer of which the party is aggrieved. The Appellant has simply added the words “deliberately”, “maliciously”, and “wilfully” wherever alleged deficiencies in the judgment have been pointed out. Nowhere has the Appellant explained any cause or reason for the judicial officer to deliberately or maliciously render a judgment in favour of the other side. Thus, the particulars which are necessary in Order VI Rule 4 CPC were not given and as such the plaint merited rejection under Order VII Rule 11.

8. The Appellate Court has very rightly held that mala fide does not imply that a litigant who remained unsuccessful in getting the desired decree or relief from the Court could impute dishonesty, fraud, or malice against the officer of the Court without specific proof of bad faith. No error has been pointed out in the concurrent findings before this Court and as such the instant second appeal is dismissed.

**[SAMAN RAFAT IMTIAZ]  
JUDGE**

*Imran*