

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Miscellaneous Appeal No.114 of 2025

Date	Order with Signature of Judge
------	-------------------------------

Hearing / Case
For hearing of main case

07.09.2026

Mr. Naveed Ali, Advocate for the Appellant

Saman Rafat Imtiaz; J: This Miscellaneous Appeal has been preferred by the Appellant against the Judgment and Decree dated 21.07.2025 (**"Impugned Judgment and Decree"**) passed by the learned XIth Additional District Judge, Karachi, South (**"Trial Court"**) decreeing the Appellant's Civil Suit No.24 of 2017 in the sum of Rs.1,000,000/- as compensation as well as cost of the suit.

2. Briefly stated, the facts of the case, as per the memo of miscellaneous appeal are that the Appellant serves as the President of the Mutehada Qabail Federation and the Advisory Council Pakistan. The Respondents operate a daily newspaper titled "*Daily Ummat*" certified by the Audit Bureau of Circulation of Pakistan. On 19.02.2017, a Sunday Edition of the newspaper published an article on page 3 titled "Afghanistan se 29 khudkush bomber Pakistan main dakhil ho chukay hain" under the heading "Ummat Report". The said date being a weekly holiday, the Appellant, a regular reader of the Daily Ummat, was shocked and distressed upon discovering his name mentioned in the report, wherein he was falsely portrayed as a member of a proscribed organization, namely "Sapha-e-Sahaba." The report suggested that the Appellant's name was under consideration for inclusion in the Fourth Schedule of the Anti-Terrorism Act, 1997, which caused mental distress and confusion to the Appellant. Members of the community, neighbors, and the general public approached him seeking clarification regarding the alleged mention in the report. The Appellant stated that he has never been affiliated with any banned organization, including "Sapha-e-Sahaba," as falsely alleged and the contents of the report are demonstrably false, fictitious, and appear to be maliciously designed to defame, degrade, and humiliate the Appellant for ulterior motives. Given the wide circulation of the *Daily Ummat* nationwide and its substantial readership, the publication of said report without any verified or credible source caused serious harm to the Appellant's name, honor, social standing, and

reputation and endured public contempt, particularly among his family, relatives, neighborhood, and community, resulting in continuous mental anguish and distress. Hence, the publication of such defamatory contents squarely amounts to "Libel" under the Defamation Ordinance, 2002, for which the Respondents are wholly liable. The Appellant served legal notices upon the Respondents through TCS Courier on 02.03.2017 which was duly received demanding an unconditional apology and payment of Rs.50,000,000/- as compensation on account of defamation which was not responded to.

3. The Appellant filed the Suit for recovery of Rs.50,000,000/- on account of defamation under the Defamation Ordinance, 2002. After notice, the Respondents filed their joint written statement and denied the allegations of defamation and contended that the reports in question are published based on verified sources and prayed for dismissal of the suit. The learned Trial Court framed issues and decreed the suit of the Appellant in the sum of Rs.1,000,000/- as compensation as well as cost of the suit

4. It appears that notices of this Miscellaneous Appeal were ordered to be issued and have been served upon the respondents as per the service report, but none has entered appearance on their behalf as such the matter is being proceeded against them ex-parte.

5. The learned counsel for the Appellant submitted that the Appellant filed Civil Suit No.24 of 2017 for damages in the amount of Rs.50,000,000/- on account of defamation and whereas the learned Trial Court has decreed the suit in favour of the Appellant only Rs.1,000,000/- have been granted as compensation to the Appellant; hence the instant appeal.

6. The counsel was asked whether any breakup of the damages was given to which he conceded that no breakup of damages was given in the plaint. Perusal of the plaint shows that the damages in the amount of Rs.50,000,000/- was sought generally without categorizing it. According to settled law, no yardstick can be applied to ascertain general damages. Courts apply the rule of thumb according to which discretion rests with the Court to calculate such compensation keeping in view the attending circumstances of each case¹.

7. Perusal of the impugned order shows that the learned Trial Court concluded that it is undeniable that the defamatory publication caused damage to the plaintiff's social image and mental peace. However, it was found that the

¹ [Syed Asad Ali Shah Vs. The Chief Editor, Daily Jang], 2024 MLD 446

plaintiff is not entitled to the full amount as the amount has been claimed as general damages. No illegality or other infirmity was pointed out in the Impugned Judgment by the learned counsel for the Appellant. The learned Trial Court has correctly exercised its discretion while applying the rule of thumb and no arbitrariness can be ascribed to the same.

7. Therefore, in the circumstances I find no reason to interfere with the impugned order; hence the instant appeal is dismissed.

JUDGE

Asif