

**Enhancement of Pecuniary Original Jurisdiction  
of District Courts at Karachi**

Report No. 38

(25-41)

## ENHANCEMENT OF PECUNIARY ORIGINAL JURISDICTION OF DISTRICT COURTS AT KARACHI

Upon a reference received from the Ministry of Law, Justice and Human Rights the Commission while considering enhancement in appellate jurisdiction of District Courts also considered enhancement in the pecuniary original Jurisdiction of District Courts at Karachi to lessen the workload of original civil suits on the High Court of Sindh.

The pecuniary original jurisdiction of District Courts all over the country is without limit under Section 7 of the Civil Courts (W.P.) Ordinance 1962 except the District Judge Karachi whose pecuniary original jurisdiction is rupees five lac. The High Court of Sindh has proposed enhancement of pecuniary original jurisdiction of District Judge Karachi to rupees thirty lac. The District Court at Karachi was established under Section 4 of the Karachi Courts Order 1956 (President's Order 2 of 1956) with pecuniary original jurisdiction of rupees twenty five thousand. This limit was enhanced to rupees fifty thousand in 1970 by the Civil Courts (Sindh Amendment) Ordinance III of 1970 amending Section 4 (2) of the Karachi Courts Order 1956. By subsequent Sindh Civil Courts (Amendment) Ordinance VI of 1981 this limit was further enhanced to rupees one lac by substitution of Section 7 of the Sindh Civil Courts Ordinance 1962. Later on by Sindh Ordinance VII of 1991 (Act III of 1992) this jurisdiction was enhanced to rupees five lac. The High Court of Sindh has also proposed enhancement of the pecuniary appellate jurisdiction of District Court Karachi to rupees thirty lac where for the rest of the province of Sindh such jurisdiction of District Court is proposed to be enhanced without limit in order to provide inexpensive justice to the people at the doorsteps. The original/appellate jurisdiction of the High Court over the Karachi district may be reviewed in the light of history of High Court of Sindh.

The original civil jurisdiction of the High Court of Sindh over the suits exceeding a certain value within the Karachi District was provided in the Sindh Courts Act 1926 (Bombay Act No. VII of 1926) passed on 21st of August 1926 but came into force on the 15th of April 1940. Section 22 of this Act made provision for the establishment of District Courts in civil districts other than Karachi and designated the District Court as the principal Court of original civil jurisdiction. So far as the civil district of Karachi was concerned the Sindh Chief Court was made the principal Court of original civil jurisdiction and the Court of Sessions under Section 8 of the Act reading as follows:

"The Chief Court shall be the highest civil court of appeal and revision and the highest Court of criminal appeal and revision for

Sindh and the principal civil Court of original jurisdiction for the civil district of Karachi and shall be the Court of Session and shall exercise the powers and perform the duties of a Sessions Judge in the Sessions Division of Karachi."

In the year 1948, the area constituting Karachi ceased to form part of the Province of Sindh and began to be centrally administered under the Pakistan (Establishment of the Federal Capital) Order known as G.G.O. No. 15 of 1948. Article 9 of the said Order provided that subject to provisions of Sub-section (3) of Section 290-A of the Government of India Act 1935 the Chief Court of Sindh shall continue to be the High Court for Karachi and shall retain such jurisdiction as it had immediately before the coming into force of the said Order.

On 13th August 1955, the Karachi Courts Ordinance 1955 (XXIX of 1955) was promulgated. By this Ordinance on and from the appointed day the Sindh Courts Act 1926 (Bombay Act VII of 1926) in its application to the Capital of the Federation was made subject to the amendments set out in the Schedule to the Ordinance. These amendments *inter alia* provided as follows:-

- "(1).— In Section (8) the words "and the principal civil Court of original jurisdiction for the civil district of Karachi and shall be the Court of Sessions and shall exercise the powers and perform the duties of a Sessions Judge in the Sessions Division of Karachi" shall be omitted.
- (2) —
- (3) —
- (4) In Sub-section (1) of Section 22, the words "other than that of Karachi" shall be omitted".

This Ordinance was to have come into force on a date to be appointed by the Provincial Government. However, no such date was ever notified by the Government with the result that the Ordinance never came into force.

On the 3rd of October 1955, the province of West Pakistan was established under the Establishment of West Pakistan Act 1955 by merger of the existing Provinces and the States. Article 7 of the said Act empowered the Governor-General to establish by order a single High Court for the Province of West Pakistan, replacing the High Court at Lahore, the Chief Court of Sindh and the Judicial Commissioner's Court of the North-Western Frontier Province.

Pursuant to the aforesaid provision, the Governor-General made and promulgated on 9th of October 1955, the High Court of West Pakistan (Establishment) Order 1955 (Order No. XIX of 1955). This Order came into force on the 14th of October 1955 and proceeded to establish the High Court of West Pakistan as envisaged in Section 7 of the Establishment of West Pakistan Act with such jurisdiction, powers and authority as held by the High Court at Lahore immediately before the commencement of the said Order. Under the provisions of Article 5 of the Order, however, the original civil jurisdiction within Karachi district formerly exercised by the Sindh Chief Court under Section 8 of the Sindh Courts Act, was preserved and continued with the result that the West Pakistan High Court continued to be the principal civil court of original jurisdiction for Karachi subject to the proviso that the Governor General may by notification direct that such jurisdiction shall cease to be exercisable from a specified date but no such notification was issued.

On 11th October 1955, an Ordinance called the Sindh Laws (Adaptation, Revision, Repeal and Declaration) Ordinance 1955 (No. V of 1955) was passed to adapt and revise the then existing laws applicable to the Province of Sindh. The Sindh Courts Act of 1926 was one of the several laws, which came in for amendment by the aforesaid Ordinance. Section 8 of the Sindh Courts Act was amended so as to exclude therefrom the words "and the principal civil Court of original jurisdiction for the civil district of Karachi and shall be the Court of Session and shall exercise the powers and perform the duties of a Sessions Judge in the Sessions Division of Karachi". Furthermore, in Sub-section (1) of Section 22 of the said Act, the words "other than that of Karachi" were omitted. These amendments were obviously necessary in the application of the Sindh Courts Act 1926 to the area constituting the Province of Sindh and their operation was confined only to the said area. So far as Karachi was concerned the said amendments had no effect since only the center could have validly legislated in respect thereto with the result that the Sindh Courts Act continued to apply to Karachi without any change.

On 23rd March 1956, the first constitution of the Islamic Republic of Pakistan came into force and soon thereafter on 20th of April, 1956 the President of Pakistan promulgated the Karachi Courts Order 1956 (Order No. 2 of 1956). Article 2 of this Order *inter alia* provided that on and from the appointed day the Sindh Courts Act 1926 (Bombay Act VII of 1926) in its application to the Federal Capital shall be subject to the amendment made out in Part A of the Schedule to the Order by which the powers of Court of Sessions were withdrawn and the High Court continued to

exercise powers of the Civil Court. The relevant amendments read as follows:—

"(1) In Section 8, for the words "and shall be the Court of Session and shall exercise the powers and perform the duties of a Sessions Judge in Sessions Division of Karachi", the words "in respect of suits and proceedings wherein the subject matter in amount or value exceeds twenty-five thousand rupees or such sum as the Central government may, by order under the proviso to Sub-section (2) of Section 22 prescribe" shall be substituted.

(5) In Section 22—

- (i) in Sub-section (1) the words "other than that of Karachi shall be omitted, and
- (ii) to Sub-section (2) the following proviso shall be added, namely:-

"Provided that, unless the Central Government by order otherwise directs, the District Court of Karachi shall not have jurisdiction in original civil suits and proceedings wherein the subject matter exceeds twenty-five thousand rupees in amount or value."

The amended Section 8 reads as under:

"The Chief Court shall be the highest civil Court of appeal and revision and the highest Court of criminal appeal and revision and the principal civil Court of original jurisdiction for the civil district of Karachi in respect of suits and proceedings wherein the subject-matter in amount or value exceeds twenty-five thousand rupees or such sum as the Central Government may, by order under the proviso to Sub-section (2) of Section 22 prescribe".

The High Court of West Pakistan at Karachi therefore, continued to exercise original jurisdiction of principal civil court for Karachi in respect of suits and proceedings wherein the subject matter in amount or value exceeded twenty-five thousand rupees.

With effect from the 1st July 1961, Karachi became merged into the Province of West Pakistan under the West Pakistan Administration (Merger of the Federal Territory of Karachi) Order (President's Order No.

9 of 1961). This merger had saved the laws applicable to Karachi Courts until varied which did not effect the set up and status of the Karachi Courts, except that thereafter the legislative and executive authority in respect of Karachi passed on to the Province of West Pakistan.

On 28th January 1962, the Governor of West Pakistan, promulgated Ordinance No. II of 1962 known as "The West Pakistan Civil Courts Ordinance 1962". This Ordinance consolidated and unified the laws relating to civil Courts in the whole of the Province of West Pakistan, and pecuniary limits of original jurisdiction of the District Courts save as otherwise provided by any other law was fixed without limit under Section 7, and of Civil Judges towards ordinary civil suits to be fixed by the High Court under Section 9 of the Ordinance reading as under:

**"Section 7. Original Jurisdiction of District Judges in suits.—** Except as otherwise provided by any enactment for the time being in force, the Court of the District Judge shall have jurisdiction in original civil suits without limit as regards the value".

**"Section 9. Pecuniary limits of jurisdiction of Civil Judges.—**The jurisdiction to be exercised in original civil suits as regards the value by any person appointed to be a Civil Judge shall be determined by the High Court either by including him in a class or otherwise as it thinks fit."

Section 24 of this Ordinance provides for jurisdiction in civil cases in which Pakistan or any of its provinces or any public officer in official capacity is a party which reads as under:

1(1) "No Civil Court not having unlimited jurisdiction in original suits without limit as regards value and no Court of the Small Causes shall receive, entertain or register any suit in which Pakistan or any of its Provinces or any public officer as defined in clause (17) of Section 2 of the Code of Civil Procedure 1908, in his official capacity is a party."

(2) In every such case the plaintiff shall be referred to the court of the Civil Judge having jurisdiction in original suits without limit as regards

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1. Under Sub-section (1) neither the High Court nor the District Court nor a Civil Judge could entertain any suit in the Karachi district because all had limited jurisdiction. The difficulty was removed by adding a proviso to Sub-section (1) by W.P. civil Courts (Amendment) Ordinance 1963 (Ordinance No. XII of 1963) Section 2 of which reads.—

value and such suit shall be instituted only in the court of such Civil Judge and shall be heard at the headquarters of the district.

(3) Nothing in this Section shall be deemed to apply to a suit relating to the affairs of a Government Railway or to any suit merely because a public officer is a party, thereto in his capacity as—

- (a) a member of a local authority, or
- (b) curator, guardian, manager or representative of a private person or estate in virtue of an appointment, delegation, declaration or exercise of powers under:
  - (i) Order XXXII, rule 4(4) of the Code of Civil Procedure 1908.
  - (ii) Section 195 of the Succession Act 1925.
  - (iii) Section 69 or 71 of the Lunacy Act 1912.
  - (iv) Section 7, 18 or 42 of the Guardians and Wards Act 1890, or
  - (v) any provision of any West Pakistan enactment relating to Court of Wards."

The effect of the above mentioned repeals and savings was that in suits and other matters in which the value of subject matter exceeded rupees twenty five thousands, the High Court of West Pakistan continued to exercise jurisdiction in the Karachi districts.

<sup>2</sup>The West Pakistan Civil Courts Ordinance of 1962 repealed amongst others, the following laws:

- (i) The Sindh Courts Act 1926, as applicable to Karachi, the whole except Section 8.

<sup>2</sup>2. *Amendment of Section 24 of West Pakistan Ordinance II of 1962.*—In the West Pakistan Civil Courts Ordinance 1962, in Section 24, in Sub-section (1), the full-stop at the end shall be replaced by a colon, and thereafter the following proviso shall be added, namely:—

"Provided that in the Karachi district, any such suit, if the value thereof does not exceed twenty-five thousand rupees, may be instituted in the Court of District Judge, the Additional District Judge or a Civil Judge of the First Class, and in the High Court where the value of the suit exceeds twenty-five thousand rupees".

<sup>2</sup>2. The repeal of title, extent and commencement and other enforcing provisions turned the savings inoperative therefore, jurisdictional provisions were later added by the amending Sections 7 and 24 of the W.P. Civil Courts Ordinance.

- (ii) The Karachi Courts Order of 1956—the whole except Section 4 (2).

Thereafter, in the year 1963, by the West Pakistan Civil Courts (Amendment) Act 1963 (Act XV of 1963) Section 24 of the West Pakistan Civil Courts Ordinance 1962 (II of 1962) was amended as follows:—

Section 2.—Amendment of Section 24 of the West Pakistan Ordinance II of 1962. In the West Pakistan Civil Courts Ordinance 1962, in Section 24, after Sub-section (2) the following new Sub-sections shall be inserted, namely:—

- (2-A) Notwithstanding anything contained in Sub-sections (1) and (2) in the Karachi district any such suit, if the value thereof does not exceed twenty-five thousand rupees, may be instituted in and be tried by the Court of the District Judge or Civil Judge of the First Class, and where the value of the suit exceeds twenty-five thousand rupees it shall be instituted in and be tried by the High Court.
- (2-B) .....

The High Courts (Establishment) Order 1970 (President's Order 8 of 1970) came into force on 15th of June 1970. Article 3 of this Order provided the establishment of several High Courts including one for the provinces of Balochistan and Sindh to be called the Sindh and Balochistan High Court. Sub-Article (2) of Article 3 provided that each new High Court shall be a court of record and shall have such original, appellate and other jurisdiction and such powers and authority in respect of the territories for which it was established as the High Court of West Pakistan, immediately before the appointed day, had in respect of the territories in relation to which it exercised appellate jurisdiction.

Then came the amendments in the Karachi Courts Order 1956 and the West Pakistan Civil Courts Ordinance 1962 by Civil Courts (Sindh Amendment Ordinance 1970) (Ordinance XIII of 1970). By this Ordinance clause (2) of Article 4 of Karachi Courts Order 1956 was substituted as follows:

The Original Clause (2) reads as follows:—

- <sup>3</sup>(2) Unless the Central Government by Order under the proviso to Sub-section (2) of Section 22 of the Sindh Courts Act 1926

<sup>3</sup>. Clause (2) of Article 4 without any title, force and extent, and also without clause (1) could not be substituted. The High Court of Sindh read clause (1) as existing in PLD 1981 Kar 210.

(Bom. Act VII of 1926), otherwise directs, the Court of the District Judge shall not have jurisdiction in original civil suits and proceedings wherein the subject-matter exceeds twenty-five thousand rupees in amount or value.

And the substituted Clause (2) reads as follows:—

- (2) The Court of the District Judge, Karachi, shall not have jurisdiction in original civil suits and proceedings wherein the subject-matter exceeds fifty thousand rupees.

<sup>4</sup>Similarly in proviso to Sub-section (1) of Section 24 and in Sub-section (2-A) of the West Pakistan Civil Courts Ordinance 1962 for the words "twenty-five thousand" wherever occurring the words 'fifty thousand' were substituted. Thus the amended Sub-section (1) of Section 24 of the Ordinance reads as follows:-

- "(1) No Civil Court not having jurisdiction in original suits without limit as regards value and no Court of the Small Causes shall receive, entertain or register any suit in which Pakistan or any of its Provinces or any public officer as defined in clause (17) of Section 2 of the Code of Civil Procedure 1908, in his official capacity is a party:

Provided that in the Karachi District, any such suit, if the value thereof does not exceed fifty thousand rupees may be instituted in the Court of the District Judge, the Additional District Judge or a Civil Judge of the First Class, and in the High Court where the value of the suit exceeds fifty thousand rupees."

Thereafter, by the West Pakistan Civil Courts (Sindh Amendment) Ordinance 1971 (Ordinance XIII of 1971), Section 24 of the West Pakistan Ordinance II of 1962 was further amended by substituting Sub-sections (1) (2) and (2-A) by the following:—

- "(1) (a) No civil Court not having jurisdiction in original suits without limit as regards value;
- (b) no Court of Small Causes;

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<sup>4</sup> The Proviso added to Sub-section (1) of Section 24 by W.P. Civil Courts (Amendment) Ordinance 1963 was repealed by the W.P. Civil Courts (Amendment) Act 1963 replacing it by Sub-section (2-A) referred to earlier by the High Court but the legislators being unaware of such repeal amended both the repealed proviso to Sub-section (1) and Sub-section (2-A) of Section 24 by the Civil Courts (Sindh Amendment) Ordinance 1970.

- (c) no civil Court lower than the Court of the District Judge or the Additional District Judge in a suit sought to be filed by a Government servant relating to his service or matters pertaining thereto;

shall receive, entertain or register, any suit in which Pakistan or any of its provinces or any public officer as defined in clause (17) of Section 2 of the Code of Civil Procedure 1908 (Act V of 1908) in his official capacity is a party:

Provided that in the Karachi District—

- (a) any such suit not being a suit specified in clause (c) if the value thereof does not exceed fifty thousand rupees, may be instituted in the Court of the District Judge, the Additional District Judge or a Civil Judge of the First Class, and in the High Court where the value of the suit exceeds fifty thousand rupees;
- (b) a suit as specified in clause (c) may be instituted in the Court of the District Judge or the Additional District Judge if the value thereof does not exceed fifty thousand rupees, and in the High Court where the value exceeds fifty thousand rupees.
- (2) (a) In every such case except a suit as specified in clause (c) of Sub-section (1), the plaintiff shall be referred to the Court of the Civil Judge having jurisdiction in original suits without limit as regards value and such suit shall be instituted only in the Court of such Civil Judge and shall be heard at the headquarters of the district.
- (b) In every such case as specified in clause (c) of Sub-section (1), the plaintiff shall be referred to the Court of the District Judge having jurisdiction and such suit shall be instituted only in the Court of such District Judge.

(2-A) Notwithstanding anything contained in Sub-sections (1) and (2) in the Karachi District—

- (a) any such suit not being a suit specified in clause (c) of Sub-section (1), the value whereof does not exceed fifty thousand rupees may be instituted in and tried by the Court

of the District Judge, the Additional District Judge, or the Civil Judge of the First Class, and where the value of the suit exceeds fifty thousand rupees, it shall be instituted in and be tried by the High Court;

- (b) a suit as specified in clause (c) of Sub-section (1) the value whereof does not exceed fifty thousand rupees may be instituted in and tried by the Court of the District Judge or the Additional District Judge, and where the value of the suit exceeds fifty thousand rupees, it shall be instituted in and be tried by the High Court."

So at Karachi, a suit not exceeding rupees fifty thousand in value against the Government relating to service matter of a Government servant could be tried by the District Judge and any other suit of such value against the Government or not could be tried by the Civil Judge 1st Class and the cases exceeding such value fall within original civil jurisdiction of the High Court of Sindh. This jurisdiction of the High Court was also preserved by the Baluchistan and Sindh (High Courts) Order 1976 (President's Order 6 of 1976) whereby two new High Courts called the High Court of Baluchistan and the High Court of Sindh were established in place of a common High Court for the Provinces of Baluchistan and Sindh, which was then called the High Court of Sindh and Baluchistan. This Order in its Article 4 provides that each new High Court shall have such original, appellate and other jurisdiction and such powers and authority in respect of territories of the Province for which it is established as the High Court of Sindh and Baluchistan, immediately before the appointed date, had in respect of the territories in relation to which it exercised appellate jurisdiction.

Under the Karachi Courts Ordinance 1955 of 18th August 1955 (not enforced) it was for the first time provided to establish the District Court at Karachi as principal court of original civil jurisdiction without limit as regards the value of suits as provided by Sections 3, 4 and 5, and the ordinary civil jurisdiction of subordinate judge of the first class was also provided without limit under Section 8 of the said Ordinance. The Karachi Courts Ordinance also provided to amend the Sindh Courts Act 1926 to withdraw the original jurisdiction as principal civil court from the Sindh Chief Court/ the High Court for Karachi under Section 2 of the said Ordinance. But in view of establishment of the Province of West Pakistan under the Establishment of West Pakistan Act 1955 of 3rd October 1955 and the West Pakistan High Court, in 1955 (G.G's O XIX of 9th October 1955) this Ordinance was not given enforcement, and the jurisdiction of

the Sindh Chief Court as principal civil court of original jurisdiction for the district of Karachi was conferred on the West Pakistan High Court at Karachi as provided under Articles 3 (3) read with Article 5 of the High Court of West Pakistan (Establishment) Order 1955 which was required to be withdrawn by an order of the Governor General.

Section 7 of the W.P. Civil Courts Ordinance 1962 was substituted through Sindh Civil Courts (Amendment) Ordinance VI of 1981 which reads as under:

"Substitution of Section 7 of West Pakistan Ordinance II of 1962.—In the Sindh Civil Courts Ordinance 1962 hereinafter called the said Ordinance for Section 7, the following shall be substituted:—

7. Original jurisdiction of the Court of District Judge.—Subject to any law for the time being in force, the original jurisdiction of the Court of the District Judge in civil suits and proceedings shall be without limit of the value thereof excepting in the Karachi District where the original jurisdiction in civil suits and proceedings of the value exceeding one lac of rupees shall be exercised by the High Court."

In 1991 the above Section 7 was again substituted through another amendment in W.P. Civil Courts Ordinance 1962 by Sindh Ordinance No. VII of 1991 enhancing the original civil jurisdiction of the District Court at Karachi from rupees one lac to rupees five lac. Section 2 of which reads as under:—

"2. Substitution of Section 7 of West Pakistan Ordinance II of 1962.—In the Sindh Civil Courts Ordinance 1962 hereinafter called the said Ordinance, for Section 7, the following shall be substituted:—

"7. Original jurisdiction of the Court of District Judge.—Subject to any law for the time being in force, the original jurisdiction of the Court of the District Judge in civil suits and proceedings shall be without limit of the value thereof excepting in the Karachi District where the original jurisdiction in civil suits and proceedings of the value exceeding five lac of rupees shall be exercised by the High Court."

Section 3 of the W.P. Civil Courts Ordinance 1962 provides for three classes of civil courts *i.e.* the courts of District Judge, the Additional District Judge and the court of Civil Judge and their pecuniary original jurisdiction is provided under Sections 7, 9 and 24 of the Ordinance. The High Court of Sindh is not a civil court under the Civil Courts (W.P) Ordinance 1962 but it retains jurisdiction of civil courts under Section 7 and 24 of the Sindh Civil Courts (W.P) Ordinance 1962 for the Karachi districts in the suits exceeding the value of rupees five lac.

The original jurisdiction of the High Court of Sindh for the Karachi district has been constantly considered to be abolished by the Federal/ Provincial Governments/ Legislatures through the Karachi Courts Ordinance 1955, the Sindh Laws (Adaptation, Revision, Repeal and Declaration) Ordinance 1955 and the proviso to Article 5 of the W.P. High Court (Establishment Order) 1955. The Pakistan Bar Council has also not been in favour of conferring such jurisdiction upon the High Court of Sindh. The Attorney General for Pakistan has stated in the High Court of Sindh that the Pakistan Bar Council had expressed strong views on the subject of the original jurisdiction of the High Court of Sindh. The Advocate General Sindh also made a statement that the Karachi Bar Association has passed a resolution supporting the increase of the jurisdiction of the District Courts. (PLD 1981 Kar 210).

The Law Reform Commission (1958-59) headed by Mr. Justice S. A. Rehman recommended conferring of unlimited pecuniary jurisdiction upon the Civil Judge 1st Class at Karachi and for commercial cases specially trained commercial civil judges be posted at Karachi. The recommendation of the Commission reads.—

"At present the original jurisdiction to try civil cases is possessed by the Karachi Bench of the West Pakistan High Court only, in cases of valuation, exceeding Rs. 25,000. This is a legacy from the days of the Sindh Chief Court and the reason advanced for retaining this arrangement is that important commercial cases, involving foreign firms functioning in Karachi, are required to be handled at the level of the High Court by experienced Judges who would inspire confidence in the foreign business community. .... Eventually, however, such commercial cases should also be tried, in our opinion, by specially trained commercial Civil Judges to be posted at Karachi, Chittagong, or any other developed part, area or commercial center of importance."

The Law Reform Commission (1967-70) headed by Justice Hamood-ur-Rehman also recommended that commercial courts presided over by specially trained senior judicial officers should be set up at Karachi, Lahore, Multan, Faisalabad and Hyderabad. The recommendation of the Commission reads as under:

"Commerce and trade including international trade are fast developing in this country. With the progressive increase in commerce and trade, disputes arising therefrom are also on the increase. .... The Commission, therefore, recommends that Commercial Courts presided over by specially trained senior judicial officers should be set up in important cities like Dacca, Narayanganj, Chittagong and Khulna in East Pakistan and Karachi, Lahore, Multan, Lyallpur and Hyderabad in West Pakistan."

During the British rule there was no international free trade with the Sub-continent except what was made or controlled by the British who did not like to sue or be sued in the civil courts presided over by their local subjects which was one of the considerations of conferring jurisdiction of civil courts of the port cities of Bombay, Calcutta, Madras and Karachi upon their respective High Courts where the High Courts of Lahore, Nagpur, Patna and Allahabad of the Land locked provinces were not conferred with such jurisdiction. Now industrial and commercial activities have considerably been increased in other cities of the country by establishing dry ports and rail, road and air links with the world. Port Qasim and Gawadar are emerging commercial ports out of Karachi. Large industrial estates have been established in all the four provinces. There is one company registration office in the Province of Sindh at Karachi but four in the Punjab at Lahore, Multan, Faisalabad and Rawalpindi/Islamabad, and the NWFP and Balochistan have one each at Peshawar and Quetta. Lahore and Islamabad also have Stock Exchanges like that of Karachi. Banking Tribunals and other commercial courts have been set in all the four provinces and the position of Karachi as port city with no inland commercial activity no more exists now. Before the judiciary (Karachi and West Pakistan) Order 1958 neither the District Judge nor subordinate Judges appointed/posted at Karachi belonged to the provincial judicial service of Sindh or of the West Pakistan therefore, neither there existed a wider field of their selection nor of their gaining variety of experience. Presently officers of the provincial judiciary have gained much experience by exercising jurisdiction without limit when posted out of Karachi.

The frequent devaluation of rupee and high rate of inflation have increased the value of subject matters of the suits brought to the courts at Karachi by which number of institution of original suits have relatively been increased in the High Court. About 38000 cases in original side including commercial cases, civil suits of ordinary nature, misc. applications and execution applications were pending for disposal with the High Court of Sindh at the end of 30th June 2000, besides the huge workload under its appellate, constitutional and other jurisdictions and the pendency of cases is continuously increasing. The District Courts in the Province of Sindh other than the Karachi districts exercise original jurisdiction without limit. The High Court of Sindh has proposed enhancement of original pecuniary jurisdiction of the District Courts at Karachi from rupees five lac to rupees thirty lac. The Commission considered enhancement in the pecuniary original jurisdiction of District Judge Karachi in its meeting held on 30th March 2002 at Islamabad and recommended the Government of Sindh to enhance the pecuniary original Jurisdiction of District Judge Karachi to rupees thirty lac by making necessary amendments in the Civil Courts Ordinance 1962. The draft amendments in Sections 7 and 24 of the Sindh Civil Courts Ordinance 1962 are at Appendix -I.

AN

ORDINANCE

*further to amend the Sindh Civil Courts Ordinance 1962*

**Preamble.**—WHEREAS it is expedient to amend the Sindh Civil Courts Ordinance 1962, in the manner hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred upon him under Article 4 of the Provisional Constitution (Amendment) Order No.9 of 1999 (Chief Executive's Order No.9 of 1999) as amended by Chief Executive's Order No.11 of 2000, the Governor of Sindh is pleased to make and promulgate the following Ordinance:—

**Short title and commencement.**—(1) This Ordinance may be called the Sindh Civil Courts (Amendment) Ordinance 2001.

(2) It shall come into force at once.

2. **Amendment of Section 7, W.P. Ordinance II of 1962.**—In the Sindh Civil Courts Ordinance 1962, hereinafter referred to the said Ordinance, in Section 7, for the words "five lac" the words " thirty lac " shall be substituted.

**Amendment of Section 24, W.P. Ordinance II of 1962.**—In the said Ordinance, in Section 24, in Sub-section (1) —

- (i) in the proviso, in clauses (a) and ( b) for the words "five lac" the words "thirty lac" shall be substituted.
- (ii) In Sub-section 2-A, in clauses (a) and (b) for the words " five lac " the words " thirty lac " shall be substituted.

GOVERNOR OF SINDH