

**IN THE COURT OF VIII ADDL. DISTRICT JUDGE, KARACHI SOUTH**

BEFORE:

**(Mumtaz Ali Solangi)**

Defamation Suit No.41 of 2025

Muhammad Waseem  
S/o Muhammad Rasheed  
Chairperson, Sindh Public Service Commission,  
Muslim, Adult, Having Office at SPSC Regional Office,  
2<sup>nd</sup> floor, Sindh Secretariat Building No.06, Karachi,  
Through duly authorized attorney  
Master Muhammad Mustafa.....Plaintiff

Versus

Imdad Soomro  
S/o unknown  
Muslim, Adult, Resident of Flat No.202,  
Plot 4-C, Lane-1, Shahbaz Commercial Area,  
Phase-VI, DHA, Karachi .....Defendant

**ORDER**

**23.10.2025**

By this order, I intend to dispose of an application filed by the plaintiff under Order XXXIX Rules 1 and 2 read with Section 151 CPC, wherein the plaintiff has prayed that the defendant, his agents, servants, nominees, assigns, and any person acting in concert with him be restrained from publishing, repeating, retransmitting, disseminating, or otherwise causing the publication or dissemination of the alleged defamatory posts/statements complained of, or any other words or matter of like import concerning the plaintiff and/or the Sindh Public Service Commission on any platform, medium, website, social media account, channel or broadcast, or from taking any other action prejudicial to the reputation and interest of the plaintiff and the Sindh Public Service Commission during the pendency of the suit.

2. The case of the plaintiff, in brief, is that the defendant, who is a journalist by profession, has made sweeping, reckless and defamatory allegations against the plaintiff and the Sindh Public Service Commission. It is alleged that the defendant accused the plaintiff of corruption, nepotism, sale of public posts, political quotas and manipulation of examinations. The defendant is also reported to have stated that only a negligible percentage of recruitment is conducted on merit, while the majority of posts are distributed against political pressure or bribes. The plaintiff asserts that such allegations are entirely baseless, malicious and without any supporting evidence. It is further contended that the defendant went so far as to claim that he was in possession of an audio recording of the plaintiff allegedly admitting to corrupt

practices. However, the defendant has failed to place any such material before this Court, whereas the plaintiff has, in rebuttal, placed on record a USB and copies of text messages annexed with the plaint to demonstrate the falsity of the allegations and to establish that the statements are defamatory and injurious to the plaintiff's reputation. Learned counsel for the plaintiff submitted that the object of these allegations is not bona fide journalism but character assassination, and unless the defendant is restrained, the plaintiff and the Sindh Public Service Commission shall suffer irreparable loss of reputation and public confidence.

3. Conversely, learned counsel for the defendant filed objections to the plaintiff's application for interim injunction, contending at the very outset that the application is not maintainable as the suit itself is not maintainable. It was pointed out that the defendant has already filed a detailed written statement along with an application under Order VII Rule 11 CPC, wherein it has been demonstrated that the plaint is liable to rejection on several grounds, including the statutory bar contained in Rule 30 of the Sindh Civil Servants (Conduct) Rules, 2002, as well as the ratio laid down in PLD 2019 Peshawar 135. It was argued that an interim injunction cannot be granted in a suit which, on the face of it, is not maintainable. Learned counsel submitted that the plaintiff has failed to make out a prima facie case, which is the foremost requirement for grant of interim relief as repeatedly held by the Hon'ble Supreme Court of Pakistan. He contended that the defendant is a professional investigative journalist, and the impugned statements were made in good faith in the public interest, concerning matters of grave importance, namely the integrity and transparency of the public service recruitment process. The defendant has expressly claimed and reiterated his readiness to substantiate the truth of his reporting, which constitutes a complete defense in defamation law. It was further argued that the plaintiff's own legal notice and plaint are vague, self-contradictory, and fail to disclose a clear and unambiguous cause of action for personal defamation. The balance of convenience, it was urged, lies overwhelmingly in favor of the defendant and in the larger public interest. Granting an injunction in the present matter would, in effect, stifle legitimate investigative journalism, curtail public scrutiny of a powerful constitutional body, and amount to silencing the defendant from informing the public on an issue of critical importance concerning governance and corruption. Thus, the balance of convenience clearly lies in safeguarding the fundamental right to freedom of speech and information on matters of public welfare, rather than imposing a prior restraint that suppresses speech.

4. I have heard the learned counsel for the parties at length and have also examined the record with their able assistance. The principles governing the grant of temporary injunction under Order XXXIX Rules 1 & 2 CPC are well settled: the applicant must establish (i) a prima facie case, (ii) balance of convenience in his favour, and (iii) likelihood of suffering irreparable loss if interim relief is refused. These three elements must co-exist, and the failure of any one disentitles the applicant to interim relief.

5. In the present case, the plaintiff's case rests on the assertion that the defendant, a journalist, has made sweeping allegations of corruption, sale of public posts, nepotism, quotas and rigging of examinations against him and the Sindh Public Service Commission. The allegations, as reproduced in the plaint, do not amount to fair comment or general criticism but are direct imputations of dishonesty and misconduct. The defendant has claimed to possess an audio recording in support of his allegations but has admittedly not placed the same before this Court. On the other hand, the plaintiff has annexed a USB and text messages to rebut the allegations. Prima facie, therefore, the allegations appear unsubstantiated at this stage and are capable of injuring the personal reputation of the plaintiff as well as undermining public confidence in the constitutional body of SPSC. To this extent, the plaintiff appears to have made out a prima facie case.

6. The objection of the defendant that the suit is not maintainable and is liable to rejection under Order VII Rule 11 CPC or under Rule 30 of the Sindh Civil Servants (Conduct) Rules, 2002, is noted. However, such objections go to the maintainability of the suit and are yet to be decided on the defendant's pending application. At the interim stage, the Court is only required to see whether there exists a prima facie case warranting protection until final adjudication. The bar pleaded by the defendant, therefore, does not by itself preclude consideration of interim relief at this stage.

7. As to the balance of convenience, the matter requires careful balancing of two competing rights: the fundamental right to freedom of speech and expression, and the right to dignity and reputation guaranteed under Article 14 of the Constitution. While investigative journalism is undoubtedly vital in a democratic society, it cannot extend to making unverified allegations of corruption and misconduct without supporting material. Since the defendant has not yet produced his alleged audio recording or any other evidence, and the statements are prima facie defamatory, the balance of convenience tilts in favour of protecting the plaintiff from further reputational harm pending trial.

8. On the question of irreparable loss, reputation, once tarnished, cannot be adequately compensated in damages. The plaintiff, holding public office and being associated with a constitutional body, stands to suffer lasting injury to his personal and institutional credibility if such allegations are allowed to be published unchecked during pendency of the suit. This constitutes irreparable loss in the legal sense.

9. In view of the foregoing, I am of the considered opinion that the plaintiff has succeeded in making out a case for interim relief. However, since the matter also involves issues of public importance and the fundamental right to freedom of expression, the injunction must be tailored so as not to unduly stifle legitimate criticism or fair comment.

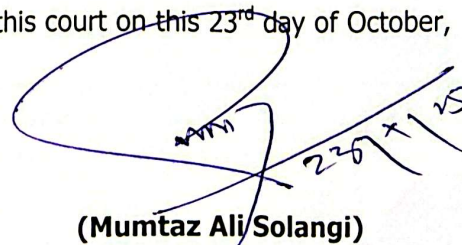
10. In consequence, the application under Order XXXIX Rules 1 & 2 read with Section 151 CPC is allowed to the extent that the defendant, his agents, servants, nominees, assigns or any person acting in concert with him are hereby restrained from publishing, retransmitting, repeating or disseminating the specific defamatory statements/ allegations complained of in the plaint, or any words of like import imputing corruption, sale of posts, quotas or rigging of examinations to the plaintiff or the Sindh Public Service Commission, pending decision of the suit.

11. This order shall not, however, preclude the defendant from engaging in fair comment, bona fide criticism or reporting on matters of public interest provided the same is based on verifiable facts and does not amount to character assassination or repetition of the disputed allegations.

12. The application is accordingly disposed of in the above terms.

Announced in open court.

Given under my hand and seal of this court on this 23<sup>rd</sup> day of October, 2025.



**(Mumtaz Ali Solangi)**  
VIII Additional District Judge  
Karachi - South

VIII Additional District Judge  
Karachi (South)