

THE HIGH COURT OF SINDH, KARACHI

No. 1083 /Circular/Comm. Cases

Dated: 09.09.2025

C I R C U L A R

CATAGORIZATION OF COMMERCIAL CASES

The Hon'ble Chief Justice has been pleased to direct as follows;

This circular shall apply to the present and subsequent proceedings before Commercial Courts unless otherwise directed by the Hon'ble Chief Justice. It applies only in respect of the category of cases that comes under the designation of "Commercial Cases / Suits" specifically mentioned henceforth.

This circular seeks to establish the meaning of "*Commercial Cases / Suits*" for proceedings purposes and give certain directions with regard thereto. The following matters shall be regarded as and be deemed to be a Commercial Case / Suit;

A. Arises out of the ordinary business of commercial concerns and relates to transactions of trade, commerce or business between the parties, including:

- a) Claims on or under, or for enforcement or interpretation of any mercantile agreement (oral or written) or document, including agreements such as franchising, distribution, licensing or consultancy agreements;
- b) Export or import of merchandise;
- c) Carriage of goods;
- d) Mercantile agency;
- e) Arbitration;

B. Involves a claim, demand or action under Federal or Provincial fiscal law against a commercial concern;

C. Involves a dispute between a Federal or Provincial regulatory authority and a commercial concern in relation to its transactions while acting as such; or

D. Falls within a category declared by this Hon'ble Court to be of a commercial nature (such declarations may be modified at any time).

Explanation-1: It is irrelevant for this purpose whether the commercial concern is in the public or private sector.

Explanation-2: 'Commercial concern' includes merchants, bankers, traders, firms, companies, partnerships or any other business entity or person, and where applicable trade bodies or associations.

a/c/s

Primary Directions:

1. Filing & Classification

- i. On presentation/filing, the party, through a concise statement, shall place before the concerned Presiding Officer a short description of the nature of the case and a proposed categorization. Any case that satisfies the definition given above shall be marked 'Commercial Case' on the cause list and electronic record/CFMS-DC.
- ii. If the party believes that a pending case ought to be treated as a commercial case, it shall file an Application duly supported with an Affidavit for Classification as 'Commercial Case' before the concerned court for determination. The party shall also file the proforma **(Annexure-A)** duly filled in.

2. Priority Listing:

- i. The Commercial Courts shall maintain a dedicated 'Commercial listing' and a separate cause list (or a clearly marked section of the cause list) for commercial cases. Commercial cases shall be given priority over non-commercial matters.

3. Timelines (Default)

Unless the Court records reasons and makes different directions, the following default timelines shall ordinarily apply:

- a) Written statement: as specified under the Code of Civil Procedure.
- b) Framing of issues: within 15 days after completion of pleadings (or earlier, if possible).
- c) Evidence of Parties (examination-in-chief and cross-examination) to be completed within 90 days of framing of Issues, subject to extensions recorded in writing by the Commercial Court.

These timelines are default targets designed to encourage expedition and may be varied by the Court for good cause shown.

4. Restriction on Adjournments:

- i. Adjournments in commercial cases shall be strictly controlled. Parties shall apply in writing and provide precise reasons. Absent exceptional circumstances, adjournments shall not exceed three non-consecutive adjournments per side for the purpose of leading evidence or filing essential documents.

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5. Interim Applications & Injunctions

- i. Interim applications which are urgent in nature shall normally be decided by the Commercial Court preferably within 30 days of filing.
- ii. Applications for interlocutory relief shall be decided on an expedited basis with succinct written reasons for grant or refusal.

6. Arbitration & Alternative Forum:

- i. Where a valid arbitration agreement exists, stay applications shall be dealt with promptly. If a stay is not granted, the Court shall record reasons. Challenges to arbitral awards (or preliminary objections) shall be listed on an expedited footing.
- ii. Parties are encouraged to set out whether they are willing to proceed to mediation/conciliation; the Court may, with the consent of parties, refer matters to ADR and record any settlement to make it enforceable.

7. Expert Evidence

- i. If expert evidence is required, parties shall inform the Court at the earliest stage. The Presiding Officer may order a joint expert, specify the terms of reference, and set a timetable for the expert report.

8. Court Record & Cause List Entry

- i. Cause lists shall clearly mark 'COMMERCIAL — CASES' heading and stage of the case.
- ii. The Court shall maintain a separate Institution and Disposal Register for commercial cases.

9. Reporting & Monitoring

- i. The Court shall maintain an up-to-date record of each Commercial Cases on CFMS-DC regularly so that a report can be generated for kind perusal of Hon'ble Monitoring Judge, as and when required/directed.

10. Training & Specialization

- i. The Sindh Judicial Academy shall conduct specialized training on commercial practices, electronic evidence, handling of complex commercial disputes and the fundamentals of arbitration law for the Presiding Officers dealing with the Commercial Cases.

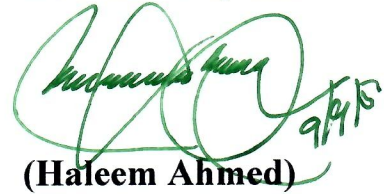
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11. Transparency & Publication

- i. This Circular and any forms/annexures referred to shall be published on the District Court's notice board and website for the guidance of litigants and legal practitioners.

12. Implementation & Review

- i. This Circular shall come into force with immediate effect and shall apply to new and pending cases unless otherwise ordered by this Hon'ble Court.



(Haleem Ahmed)

I/c Member Inspection Team-II

Copy forwarded for Information to;

- i. The Learned Registrar, High Court of Sindh
- ii. The Learned District & Sessions Judges (All in Sindh)
- iii. The Senior Faculty Member, Sindh Judicial Academy
- iv. The Additional Registrar, Bench at Sukkur, Circuit Courts, Hyderabad, Larkana and Mirpurkhas
- v. The Additional Registrar (OS) of this Court
- vi. The Secretary to Hon'ble Chief Justice

Annexure A —

Application for Classification as Commercial Case (Form)

1. Case No.: _____

2. Name of Parties: _____

3. Nature of dispute (brief):

4. Grounds on which classification as 'Commercial Case' is sought (brief):

5. Particulars of mercantile agreement / transaction (if any):

6. Relief claimed:

Date:

Applicant's signature

Advocate for Applicant