

**In the High Court of Sindh at Karachi**  
(Original Civil Jurisdiction)

Suit No:                      of 2010

Syed Adil Gilani son of Syed Arif Shah Gilani,  
Muslim, adult, Chairman, Transparency International,  
Having office at 65-C, Mezzanine Floor,  
Defence Housing Authority, Phase-II,  
Karachi.....Plaintiff.

**V e r s u s**

1.        Mr. Mubashir Luqman son of  
          (Late) Lt. Col. Luqman, Adult,  
          Anchor Person, Express News Channel,  
          Television Media Network (Pvt) Ltd,  
          5-Express Way, Off: Korangi Road,  
          Karachi.
  
2.        Television Media Network (Pvt) Ltd,  
          through its Managing Director,  
          having Office at 5-Express Way,  
          Off Korangi Road, Karachi..... Defendants.

**Suit for Damages amounting to Rs. One Billion  
and Permanent Injunction**

The plaintiff above named respectfully submits as under :

1.        That Plaintiff is Bachelor of Engineering from NED Government College  
          (as it then was), Karachi and during his job worked on various well known  
          projects of Karachi including Finance Trading Centre. The plaintiff has 40  
          years Engineering Experience in Pakistan and abroad.
  
2.        That the other activities of the plaintiff being:
  - (a) Member of Port Consultant of the sub-working group on Ports and  
          shipping, Government of Pakistan for 5 years plan i.e. 2005-2010.
  
  - (b) Member of 2 years Program from January, 2003 to December, 2004,  
          Joint OCD/Development Assistance Committee (DAC)- World Bank  
          Roundtable on strengthening Procurement Capacities in Developing  
          Countries, Organized by OECD.

- (c) Founder Member & Chairman, Transparency International Pakistan (TI-Pak) and Procurement Specialist of Transparency International.
  - (d) Assisting National Accountability Bureau (NAB) in the filed of Improvements in Procurement Procedures for preparation of National Anti corruption Strategy 2002 which was declared in 2002 as Policy Decision by Government of Pakistan and made law as per Public Procurement Rules 2004 issued by Ministry of Finance vide SRO 432(I)/2004 dated 8<sup>th</sup> June, 2004. These Rules so framed are Mandatory.
  - (e) Project Director of TI-Pak, Project of Implementation of Transparent Procurement Procedure in City and District Government, Karachi, Services & Works Department, P.I.A., F.B.R, Pakistan Steel and PTC Ltd.
  - (f) Board of Trustee's Advisor to Bagota Airport BOT Project for Transparency International Columbia, a World Bank Financed Project.
  - (g) Procurement Specialist on the Euro 500,000, Project Preventing Corruption in Public Contracting Capacity Building and Net working for Civil Society and Local Governments in Asia, a project for Transparency International for Pakistan, Indonesia and Malaysia. The project is being financed by the European Commission.
3. That the plaintiff served various Organizations during his 4-0 years in Service as Engineer including Ministry of Works & Housing, Nigeria from 1970 to 1976 and last served Karachi Port Trust having joined the same on 30-04-1989 as Project Engineer and applied for Golden Handshake/ Early Retirement Benefit Scheme which was duly approved by the Competent Authority and thus the plaintiff was relieved from K.P.T services on 05-08-2000 after serving K.P.T for 11 years, 3 months and 5 days. At the time of leaving K.P.T, the plaintiff was working as Project Manager Planning. **A Copy of Certificate dated 25-11-2009, issued by Karachi Port Trust, Human Resources Department is filed as ANNEXURE "A".**
4. That as an Organization Transparency International Pakistan has been monitoring Violations, irregularities, favoritism and Corruption Prevailing in Public Procurement Rules with the sole object to enhance the awareness of Public who is being made to pay the cost of this Corruption and corrupt practices for last many years and because of which the foreign donors are Shying away and the recent example is non cooperation of the foreign donors with the government of Pakistan for helping flood victims.
5. In this back ground under an agreement with USAID and SDC, the Transparency International Pakistan has been working under the Chairmanship of the Plaintiff who carry out activities of T.I. Pakistan with

the help of Board of Trustees comprising of very respectable citizens including former Judges of this Honorable High Court.

6. It will not be out of place to mention here that recently the Transparency International Pakistan is developing an anti fraud hot line wherein complaints of Frauds in various projects funded by USAID will be lodged, processed and forwarded to OIG and USAID.
7. In this back ground , it was very recently that when the Plaintiff as Chairman, T.I. Pakistan started pointing out the corruption (which no one can deny), Mr. Mubashir Luqman the plaintiff No: 1, took upon himself to protect his corrupt godfathers and thus started campaign against the plaintiff without doing his home work and without verifying the facts.
8. That on 27-10-2010, the defendant No; 1 very shamelessly in his program “POINT BLANK” aired by defendant No: 2, after making couple of stooges sit in front of him and started putting words in their mouth so that they should perpetuate the wrong which the defendant No: 1 intended to Cause by protecting Corrupt people involved in Corrupt practices in Pakistan and the people who have amassed wealth which their forefathers could not have imagined, levied false allegation of Corruption against the plaintiff stating in clear words that  
the plaintiff was thrown out of K.P.T due to Corruption meaning thereby that the plaintiff is corrupt and the corruption which was pointed out by the plaintiff was a mis-statement thus the said plaintiff No: 1 tried to score his points forgetting the fact that he was also a part of the Corrupt government during Musharaf Era. The defendant No; 1 failed to look at his own back and failed to put his own house in Order.
9. The defendant No: 1 closed his eyes to what is an order of the day in Pakistan and because of which the foreign donors are shying away. The manner in which the defendant No: 1 with the courtesy of defendant No: 2 conducted the program abusing T.I. Pakistan and alleging the plaintiff having being removed from K.P.T in Corruption, is nothing but an act to perpetuate corruption through media and from the program conducted/anchored by the defendant No: 1, it appeared that defendant No; 1 had something personal against the plaintiff for the reasons best known to the defendant No: 1.

10. The defendant No: 1 while protecting an act of prevailing corrupt practices in the country demanded from the plaintiff through “Point Blank” for proofs of corruption and basis forming such reports which the plaintiff feels only a corrupt person requires to defend corruption . The defendant No; 1 being a privileged class over looked the fact that every citizen is a victim of what is going on in the country and what every citizen has to face every day . It was in this heat of false allegations the defendant No: 1 very confidently and shamelessly alleged that the plaintiff was dismissed from K.P.T for Corruption.
11. It appears to the plaintiff that defendant No; 1 who loves cheap publicity and cheap fame is obsessed with the popularity of plaintiff and T.I. Pakistan and therefore the defendant No: 1 stooped to a level where the defendant No: 1 publicly made an allegation of Corruption against the plaintiff, which to the defendant No: 1’s own knowledge is false. Had the defendant conducted the program while being in his right senses done the home work and checked the notes before coming on air , the defendant No: 1 would have discovered that the plaintiff Mr. Adil Gilani left KPT after he applied for Golden handshake/Early retirement benefit scheme but the defendant No; 1 in lust for cheap publicity purposely defamed the plaintiff, a respectable person of a Society as the defendant No: 1 might have thought that no one will come forward to defend the false allegations levied by the defendant No; 1.
12. It appears that defendant No; 1 over rates himself and is in habit of levying false allegations in his program thinking that he will be able to get away with his nefarious and uncalled for remarks ,using the power of well abused media.
13. It was very sarcastically alleged by the defendant No; 1 in form of questions that who is financing the T.I. Pakistan, whether it is a Jew Lobby or RAW. As the said defendant No: 1 appears from his talk not to be highly educated and thus the allegations linking the plaintiff with Jew Lobby and RAW are typical of a person of the defendant No; 1’s mental caliber.

14. The limited knowledge of the defendant No: 1 did not allow him to think above what he stated already and therefore could not imagine that the USAID entrusting TI-Pakistan to monitor USAID funded projects under the Kerry Lugar bill. That had there been even a minor charge of corruption at any time against the plaintiff, the T.I. Pakistan under the Chairmanship of the plaintiff would not have been entrusted with the assignment as stated above and probably this is what has annoyed the godfathers of the defendant No: 1 forcing the defendant No: 1 to come on air and talk all nonsense.
15. That without visiting the office of the plaintiff and Transparency International, the defendant No: 1 in his program alleged that the office of T.I. Pakistan is housed in two room with 2 or 3 people working. That had the defendant No; 1 before going on Air with his program, taken pains and visited the office of T.I. Pakistan which is very close to Karachi Office of Express News, the defendant No: 1 would have seen by himself, that it is not an office managed by two people. T.I. Pakistan in Karachi has staff of around 24 people, all very well educated , including full time lawyers, accountants etc. and the office is located on two floors. T.I. Pakistan gets more than 200 complaints a month about corruption in various departments from ordinary citizens as every one is not a privileged person like defendant No: 1 and they need help of some organization who can help them for free.
16. That the accounts of T.I. Pakistan are audited by independent auditors as that is the requirement of T.I. International and they have their own set of documents which have to be sent to them periodically. It is not an organization managed by a bureaucracy of Pakistan but by the people all over the World who are giving their precious time for eradication of Corruption .
17. The cheap publicity which the defendant No:l is trying to get at the cost of Plaintiff and Transparency International-Pakistan is a poor advertisement of the services his program is rendering to the media in general and Express T.V., in particular.
18. The plaintiff has no idea what personal grudge defendant No: 1 has against the plaintiff or at whose behest the defendant No; 1 is defaming the plaintiff on a T.V. Channel which is seen by the People all over the

World, but from the language being used and the manner in which the said defendant No: 1 is putting words in the mouth of his guests, the plaintiff has no hesitation to say that through "Point Blank" the defendant No : 1, using the shoulder of defendant No: 2 has started a blackmailing Campaign against the plaintiff for ulterior motives as the defendant No : 1 publicly is narrating facts false to the knowledge of defendant No; 1 and most probably this was the reason that the defendant No: 1 were thrown out of Business Plus.

19. That the unwanted, false and untrue remarks in the program "Point Blank" against the plaintiff regarding Corruption have caused the plaintiff and the family of the plaintiff severe mental torture , humiliation, harassment, loss of reputation and social disgrace as the plaintiff and his family has to convince every one that the allegations levied by the defendant No: 1 are nothing but a blackmailing tactics and therefore a legal notice was served upon the defendants calling upon defendants to tender an Unconditional apology on the next T.V. program of "Point Blank" stating therein that the defendant No: 1 narrated the facts knowing the same to be false and tried to gain cheap publicity or in alternate, a Suit for damages amounting to Rs. 500 million will be filed against the defendant No; 1 but the defendant No: 1 in his arrogance did not tender an apology. **A Copy of Legal Notice sent to defendants dated 29-10-2010 is filed as ANNEXURE "B"**.
20. Like wise the defendant No; 2 was also served the same legal notice calling upon the Management of defendant No: 2 responsible to hire the services of such an unscrupulous and arrogant Anchor person who is using the channel for taking out his personal grudge and so much so that defendant No; 1 has virtually resorted to blackmailing, to immediately remove this man as he is a black sheep amongst media people who is trying to gain cheap publicity at the cost and reputation of defendant No; 2 and/or ask the defendant No; 1 to tender an Unconditional apology in the manner stated above, failing which a Suit for damages amounting to Rs. 500 million shall be filed against defendant No: 2 as well. It appears that neither defendant No: 1 nor defendant No: 2 are willing to admit the wrong caused by them whereby the plaintiff has suffered serious loss of reputation, humiliation, harassment and Social disgrace.

21. That there is no way to compel the defendants to tender unconditional apology and publicly admit their wrong doings which has caused serious prejudice to the plaintiff, except by way of this Suit. Hence this Suit.
22. The cause of action accrued to the plaintiff within the Jurisdiction of this Honorable Court on 27-10-2010 when the program "Point Blank" Anchored by the plaintiff No: 1 was aired through defendant No; 2 and again on 29-10-2010 when the legal notice was sent to the defendants to tender an unconditional apology and the cause of action is a continuous cause of action.
23. That the Suit for the purpose of Court fee is valued at Rs. One billion and a Court fee of Rs. 15,000/- is paid thereon.

### **PRAYER**

It is prayed that the Honorable Court be graciously pleased to pass a Judgment and Decree against the Defendants severally and/or Jointly and in favor of the plaintiff for a sum of Rs. One Billion with mark-up at rate of 14% from the date of filing of this Suit till the satisfaction of the Decree with Costs.

AND while passing such Judgment and Decree restrain the defendants or any one representing through them or on their behalf from conducting any Television program involving any defamatory remarks or material against the plaintiff or from passing any adverse remarks against the plaintiff.

Any other relief which this Honorable Court may deem fit and proper in the Circumstances of the case.

Karachi: November, 2010.

Plaintiff.

Advocate for the plaintiff.

### **VERIFICATION**

I, Syed Adil Gilani son of Syed Arif Shah Gilani, Muslim, adult, Chairman, Transparency International, having office at 65-C, Mezzanine Floor, Defence Housing Authority, Phase-II, Karachi, do hereby state on Oath that whatever is stated in paras above is true to the best of my knowledge, information and belief.

Deponent

The deponent is identified by me to the Commissioner for taking Oaths.

Advocate.

Solemnly affirmed before me on oath at Karachi on this      day of November, 2010 by the deponent above named who is identified by Mr. Afzal Shaikh Advocate who is known to me.

Commissioner for taking Oaths.

**Documents Filed:**

1. Certificate from K.P.T dated 25-11- 2009....."A".
2. Legal Notice dated 29<sup>th</sup> October, 2010....."B".

**Documents Relied Upon:**

1. Program Script of "Point Blank" dated 27-10-2010
2. All relevant record of the defendants.

**Address for Service on the Plaintiff:**

65-C, Mezzanine Floor,  
Defence Housing Authority, Phase-II,  
Karachi.

**Address for Service on the Advocate for the Plaintiff:**

Muzaffar & Company  
Advocate  
1-A, 25-C, Street No: 1,  
Badar Commercial Area,  
Phase-5 (Ext), D.H.A.,  
Karachi-75500

**In the High Court of Sindh at Karachi**  
(Original Civil Jurisdiction)

Suit No:            of 2010

Syed Adil Gilani .....Plaintiff.

V e r s u s

Mr. Mubashir Luqman & another.....Defendants.

**Application Under Order XXXIX Rule 1 & 2 C.P.C**

For the reasons disclosed in an accompanying affidavit, it is respectfully prayed that the Honorable Court be graciously pleased to restrain the defendants severally and/or jointly from discussing the plaintiff on their Television Channel especially in their program "POINT BLANK" and passing any remark or making any statement which may in any manner be defamatory or cause loss of reputation, mental torture, humiliation and/or harassment to the plaintiff or belittle the plaintiff in the eyes of others or Socially disgrace the plaintiff.

It is prayed that unless this application is granted, the plaintiff shall be seriously prejudiced.

An indulgence of this Honorable Court in the matter is prayed for and an ad-interim Orders are Solicited.

Karachi:            November, 2010.

Advocate for the plaintiff

**In the High Court of Sindh at Karachi**  
(Original Civil Jurisdiction)

Suit No:            of 2010

Syed Adil Gilani .....Plaintiff.

**V e r s u s**

Mr. Mubashir Luqman & another.....Defendants.

A F F I D A V I T

I, Syed Adil Gilani son of Syed Arif Shah Gilani, Muslim, adult, Chairman, Transparency International, having office at 65-C, Mezzanine Floor, Defence Housing Authority, Phase-II, Karachi, do hereby state on Oath as under:

1. That I am the plaintiff and the accompanying application has been filed by me.
2. I say that I am the Chairman of Transparency International Pakistan and because of my being a Chairman and an outspoken person reporting Corruption, I am being harassed, humiliated, mentally tortured and Socially disgraced by the defendants especially the defendant No; 1.
3. That defendant No: 1 has made public statement through his program “POINT BLANK “ aired on 27-10-2010 that I was removed from K.P.T because of Corruption which statement the said defendant knew fully well to be false.
4. I say that I have annexed the Certificate from K.P.T about my leaving Service availing early retirement benefit in form of Golden handshake and I never indulged in any corruption.

5. That such a reckless and irresponsible statement made by the defendant No: 1 is an attempt to destroy my public image and perpetuate Corruption in Society.
6. I say that such a reckless and irresponsible statement has caused serious prejudice to me and unless the said defendants are restrained in terms of prayers made in the accompanying application, I shall be seriously prejudiced and shall suffer an irreparable loss of reputation resulting in social disgrace.
7. I say that unless my accompanying application is granted as prayed I shall be seriously prejudiced.
8. Whatever is stated above is true.

Deponent

The deponent is identified by me to the Commissioner for taking Oaths.

Advocate.

Solemnly affirmed before me on oath at Karachi on this      day of November, 2010 by the deponent above named who is identified by Mr. Afzal Shaikh Advocate who is known to me.

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**In the High Court of Sindh at Karachi**  
(Original Civil Jurisdiction)

Suit No:            of 2010

Syed Adil Gilani .....Plaintiff.

**V e r s u s**

Mr. Mubashir Luqman & another.....Defendants.

**LIST OF LEGAL HEIRS OF THE PLAINTIFF**

1.     Mrs. Nasim Adil Gilani..... Wife.
2.     Mr. Sohrab Gilani..... Son
3.     Mr. Fawad Gilani.....Son
4.     Mrs. Ghazala Gilani..... Daughter

In case of the death of the plaintiff, the Legal heir No: 1 will inform the Court.

Karachi:        November, 2010.

Advocate for the plaintiff

**In the High Court of Sindh at Karachi**  
(Original Civil Jurisdiction)

Suit No:                      of 2010

Syed Adil Gilani .....Plaintiff.

**V e r s u s**

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Karachi-75500

Karachi :      November, 2010.

Advocate for the plaintiff

**In the High Court of Sindh at Karachi**  
(Original Civil Jurisdiction)

Suit No:            of 2010

Syed Adil Gilani .....Plaintiff.

**V e r s u s**

Mr. Mubashir Luqman & another.....Defendants.

**LIST OF THE DOCUMENTS FILED**

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Karachi:        November, 2010

Advocate for the plaintiff

**In the High Court of Sindh at Karachi**  
(Original Civil Jurisdiction)

Suit No:            of 2010

Syed Adil Gilani .....Plaintiff.

**V e r s u s**

Mr. Mubashir Luqman & another.....Defendants.

**Application Under Rule 110 of S.C.C. Rules**

It is prayed that the Honorable Court be graciously pleased to treat the matter as Urgent and Order the same to be fixed in Court on            November, 2010.

The reason for making this application is that the defendant No: 1 who is working for defendant No: 2 on his program POINT BLANK is defaming the plaintiff and the remarks so given in the program during discussions have caused serious prejudice to the plaintiff and the plaintiff fears that the defendants will air further programs of the like nature which will ruin the plaintiff Socially and the plaintiff shall be seriously prejudiced.

It is therefore prayed that unless this application is granted, the plaintiff shall be seriously prejudiced.

An indulgence of this Honorable Court in the matter is prayed for.

Karachi:            November, 2010.

Advocate for the plaintiff

**In the High Court of Sindh at Karachi**  
(Original Civil Jurisdiction)

Suit No:                    of 2010

**Syed Adil Gilani .....Plaintiff.**

**V e r s u s**

**Mr. Mubashir Luqman & another.....Defendants.**

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3. That defendant No: 1 has made public statement through his program "POINT BLANK " aired on 27-10-2010 that I was removed from K.P.T because of Corruption which statement the said defendant knew fully well to be false.
4. I say that defendant No; 1 who is worki8ng for defendant No: 2 is bent upon destroying the reputation of the plaintiff and unless my accompanying application, as p[rayed, is granted, I shall be seriously prejudiced.
5. Whatever is stated above is true.

Deponent

The deponent is identified by me to the Commissioner for taking Oaths.

Advocate.

Solemnly affirmed before me on oath at Karachi on this      day of November,  
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who is known to me.

Commissioner for taking Oaths.