

# 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**

Mr. Salman Taseer son of not in the  
Knowledge of the plaintiff, Muslim, adult,  
carrying on business under the name of  
KPMG TASEER HADI KHALID & CO  
Chartered Accountants, having office at  
1<sup>st</sup> Floor, Sheikh Sultan Trust Building No: 2,  
Beaumont Road, Karachi and also  
Printer & Publisher of Daily Times,  
Karachi, having office at Plot # SR-5/121/1,  
2<sup>nd</sup> Floor, Nelson Chambers,  
I.I.Chundrigar Road, Karachi.....Defendants.

## Suit for Damages amounting to Rs. 500 million

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 is carrying 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 has unveiled Corruption and Corrupt practices in the various government organizations and 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. This has earned the displeasure the various government functionaries .
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), the defendant who is a Chartered Accountant by profession and partner of KPMG Taseer Hadi Khalid & Co a Chartered Accountants firm and presently serving as Governor of Punjab, in love for his party without realizing that his Status and position for the reasons best known to him, took upon himself to defame the plaintiff and thus like a teenager came on Twitter on 3<sup>rd</sup> June, 2010 and passed Uncalled for remarks against the plaintiff which were highly defamatory.
8. That such an act of an educated man and that too of a Governor Stature apart from causing loss of reputation, goodwill, humiliation and social disgrace to the plaintiff left a very bad impression of Islamic Republic of Pakistan as such Twitter is used by all sorts of characters Worldwide . What impression people who are the users of Twitter would have gathered about the Governor of Punjab is yet to be found out. All said and done, the defendant being a businessman/professional and Publisher of Daily Times News paper and thus cannot hold an office of Governor under Article 103 of the Constitution.
9. That such a reckless remarks against plaintiff by the defendant on Twitter were never expected from an educated person who is politically not only

well connected, apart from being a Senior Chartered Accountant is also holding an Office of Governor of Punjab.

10. The remarks/statement posted on Twitter by the defendant would have been taken as gospel truth by every one who use the twitter site as there appears to be no reason to disbelief the Governor of Punjab.
11. That the statement posted on Twitter on 3<sup>rd</sup> June, 2010 by the defendant reads **“Transparency International is run by a local Adil Gilani who was fired from KPT for fraud. Neither Transparent nor International.”**
12. It is very strange that the defendant made a statement on an International Site against the plaintiff, whom the defendant neither met nor knew the plaintiff personally. The defendant fired in air Just to belittle the plaintiff and the International Organization which the plaintiff is heading in Pakistan. The plaintiff has learnt that defendant is in a habit of making statements which he fires like an Un-guided missile without realizing what damage or loss will be caused to innocent persons.
13. That had the defendant conducted a little bit of investigation about the plaintiff ( and the defendant had the resources at his disposal to do so), the defendant would have found out the back ground of the plaintiff very conveniently. A little bit of research would have revealed that the plaintiff took a Golden handshake/ premature retirement benefit from KPT.
14. The Statement posted on Twitter by the defendant levying false allegation of fraud against the plaintiff and maligning the Organization which is being headed by the plaintiff in Pakistan has caused serious loss of reputation resulting in harassment, humiliation, mental torture and social disgrace. The defamatory statement posted on Twitter site, irresponsibly by the man no less than the Governor of Punjab has caused serious loss of reputation to the plaintiff resulting in mental torture to the plaintiff and the entire family and for which mental torture and humiliation, the plaintiff cannot be compensated in any manner.
15. The plaintiff respectfully submits that the defendant may have his loyalties for his ruling party but such loyalty or the office which the defendant is holding does not give the defendant a blanket cover to

defame, insult and hurl false allegations without any proof against any citizen of Pakistan especially the one with whom the defendant has no direct or indirect concern. The plaintiff feels that the defendant has tried to be more loyal to the King than the King itself.

16. The plaintiff therefore claims a sum of Rs. 500 million from the defendant by way of damages caused to the plaintiff due to irrational and irresponsible statement posted by the defendant on Twitter alleging **“Transparency International is run by a local Adil Gilani who was fired from K.P.T for fraud. Neither Transparent nor international”**, and most probably the defendant was under a wrong impression that he has immunity of all kinds as Governor of Punjab.
17. That although a legal notice was sent to the defendant on 01-11-2010 to tender an unconditional apology on Twitter as well as on Media, but the all powerful governor did not deem it fit and proper to verify the facts and put the house in Order. **A Copy of Notice is filed as ANNEXURE “B”**. Instead of realizing the wrong done by the defendant, the defendant gave another interview to Newsweek with same allegations who instead of verifying the allegations published it in its 15<sup>th</sup> Nov, 2010 magazine. The plaintiff has no way to force the defendant to tender an apology or pay damages except by way of this Suit. Hence this Suit.
18. That the cause of action accrued to the plaintiff within the Jurisdiction of this Honorable Court on 3<sup>rd</sup> June, 2010 when the defendant posted the defamatory remarks and false allegation on the Twitter Site and again on 01-11-2010 when the legal notice was sent seeking an apology but the legal notice was not even acknowledged by the defendant.
19. That the Suit for the purpose of Court fee is valued at Rs. 500 million and the maximum 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 Defendant and in favor of the plaintiff for a sum of Rs. 500 Million with mark-up at rate of 14% from the date of filing of this Suit till the satisfaction of the Decree with Costs.

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

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Syed Adil Gilani .....Plaintiff.

**V e r s u s**

Mr. Salman Taseer.....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

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