



ADVOCATES AND
COUNSELS.

MONTHLY LEGAL UPDATE

September 2026

This update provides a brief overview of the recent legal changes in Pakistan including legislative and judicial developments across Pakistan.

CURRENT LEGISLATION

THE NATIONAL COMMAND AUTHORITY (AMENDMENT) ACT 2026

1. The National Command Authority (the **NCA**) is a high-powered statutory body responsible for policy formation, command, control, and operational decisions-making regarding [Pakistan's nuclear weapons program](#). It was given permanent form by the promulgation of the National Command Authority Act 2010.
2. Section 2 of the amending Act lays down that *“for the expression ‘Chairman Joint Chiefs of Staff Committee’ wherever occurring, the expression ‘Chief of the Army Staff concurrently the Chief of the Defense Forces’ shall be substituted”*. This change was required after creation of the post of ‘Chief of Defense Forces’ and the abolition of the post of ‘Chairman Joint Chiefs of Staff Committee’. [see Article 243 of the Constitution].
3. Section 3 of the amending Act makes some amendments in section 3 (4) [Establishment and the Members of the Authority]. A new member is inserted in the NCA viz. “Commander of the National Strategic Command” [see Art. 243 (6) of the Constitution].

RECENT CASELAW

Mandviwala Builders & Developers v Mangla View Resort & Mangla Garrison Housing (Pvt) Ltd

2023 CLD 885 (Lah—Rwp Bench) INTRODUCTION

“Jurisdiction” is the authority or competence of a Court to hear and decide a case brought before it. Jurisdiction may be divided into three main categories:

- i. Subject Matter
- ii. Pecuniary
- iii. Territorial

Article 175 (2) of the Constitution of Pakistan 1973 lays down the source from which a Court derives its jurisdiction:

“No court shall have any jurisdiction save as is or may be conferred on it by the Constitution or by or under any Law”

Therefore, jurisdiction cannot be assumed by a Court with the consent of the parties unless it is clearly spelt out by a constitutional or legal provision.

A recent case decided by a 7 members bench of the Supreme Court interprets Article 175 (2) as follows (**PLD 2024 SC 28**):

“Any court, including the Supreme Court, cannot by a judicial order confer jurisdiction on itself or any other court, tribunal or authority---Power to confer jurisdiction is legislative in character; only the legislature possesses it---No court can create or enlarge its own jurisdiction or any other court’s jurisdiction---Nor any court has any inherent or plenary jurisdiction---Because of the constitutional command in Article 175(2) of the Constitution, the courts in Pakistan do not possess any inherent jurisdiction on the basis of some principles of common law, equity or good conscience and only have that jurisdiction which is conferred on them by the Constitution or by or under any law”.

FACTS OF THE CASE

Petitioner filed an application u/s 286 of the Companies Act 2017 (Oppression and Mismanagement) before the Lahore High Court at its Rawalpindi Bench. During the hearing of the main application, Respondent filed an application u/s 5 of the Companies Act 2017 read with Order 7 Rule 10 of the CPC. The Respondent in his Miscellaneous application contended that the Rawalpindi Bench lacked territorial jurisdiction to hear the main application filed by the Petitioner. The Respondent maintained that the registered office of the Respondent company was situated in Lahore and under the provisions of section 5 of the Companies Act 2017, only the principal bench at Lahore had jurisdiction to hear the application filed by the Petitioner. The Respondent prayed that the application filed by the Petitioner be returned to him which he may file, if so advised, before the principal bench of the Lahore High Court.

Section 5 of the Companies Act 2017 lays down as under:

“The Court having jurisdiction under this Act shall be the High Court having jurisdiction in the place at which the registered office of the company is situate. Notwithstanding anything contained in any other law no civil court as provided in the Code of Civil Procedure, 1908 (Act V of 1908) or any other court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Court is empowered to determine by or under this Act.”

DECISION OF THE COURT

In para 21 of the Judgment the Court held:

“This Court has examined the record with the valuable assistance of parties, which reveals that the “Registered Office” of the Petitioner/Company is located at “Office No. 04, Ground Floor, Avaiz Chamber, I/C-5, Sikandar Malhi Road, Gulberg-II, Lahore”. It is to be remembered all the way long in discussion to follows that all issues arising out of the “Act” are to be dealt with by the Company Judge of a Court having jurisdiction at the place where the registered office of the Company is situated, which in the present case is “Lahore High Court, Lahore (Principal Seat)”, where admittedly the registered office of the Petitioner/Company is located.”

In para 27 of the Judgment the Court held as under:

“In view of above enumerated facts, circumstances and law, it is confirmed that the registered office of the “Petitioner Company” is situated at Lahore, therefore, Rawalpindi Bench of this Court lacks jurisdiction to entertain the Civil Original. Accordingly, C.M. No.03 of 2023 is allowed and in consequence thereof, Civil Original (C.O. No.11 of 2022) be returned to the Petitioners to be filed before the Company Judge at Principal Seat of this Court, if so advised”.

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Please do not hesitate to reach out to us or any member of our team for further clarity.

This publication is not intended to provide a comprehensive review of all developments in the law and practice, nor does it cover all aspects of those referred to. Similarly, it is not designed to provide legal or other advice.

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