

IN THE COURT OF DISTRICT JUDGE, LAHORE

(Jurisdiction under Defamation Ordinance, 2002)

Civil Suit No. _____/2017

Mian Muhammad Shahbaz Sharif s/o
(late) Mian Muhammad Sharif r/o
House No. 180-181, H, Model Town,
Lahore

PLAINTIFF

VERSUS

Imran Ahmad Khan Niazi, s/o Ikkram Ullah
Khan Niazi, Khan House, Bani Gala, Mohra
More, Islamabad

DEFENDANT

**SUIT, FOR RECOVERY OF RS. 10,000,000,000/- AS DAMAGES FOR
DEFAMATION UNDER SECTIONS 4 AND 9 OF THE DEFAMATION
ORDINANCE, 2002.**

Respectfully *Sheweth*:

1. That the addresses of the parties as mentioned in the title of this Plaint are correct and sufficient for their respective service.
2. That the Plaintiff belongs to a noble family and is a highly respectable individual, who enjoys an excellent reputation in both national and international circles, having a long and illustrious career in politics and public service to his credit. He is the incumbent Chief Minister of the Province of Punjab, and brother of the incumbent Prime Minister of Pakistan, Mian Muhammad Nawaz Sharif. He was

elected as member of the Provincial Assembly of Punjab in 1988, and then, as member of the National Assembly of Pakistan in 1990. He was again elected as a member of the Provincial Assembly in 1993 and was elected as Leader of the Opposition. He was elected for the third time as an MPA in 1997 and was elected by the Provincial Assembly as Chief Minister of the Punjab. He was again elected as Chief Minister of the Punjab for the second term in 2008. After the General Elections in 2013, he was again elected as an MPA, and then as the Chief Minister of the Punjab for a third term. He is also a senior leader of the Pakistan Muslim League (N) (PML-N), and has served twice as its President. He is widely known and respected for his credibility, hard work, integrity and competence.

3. That the Defendant is a Member of the National Assembly and Chairman of the Pakistan Tehreek-e-Insaf (PTI), a political rival of the PML-N.
4. That the facts and circumstances giving rise to the filing of the instant suit are that since the last week of April, 2017, the Defendant started uttering, spreading and resorting to the publication, communication and circulation of maliciously false, baseless and unfounded oral statements and representations against the Plaintiff to the effect that the Plaintiff had, through some person/relative, apparently known to the Defendant as well, offered to pay a sum of Rs. 10,000,000,000/- (Rupees Ten Billion) to the Defendant in exchange for his withdrawing/backing-off from, or remaining silent on the issue of the Panama Papers' case.
5. That initially, the Defendant appeared as a guest on a TV programme "News Beat", aired by Samaa News Channel on 8th April 2017 at 8:05 pm, wherein he made vague references to an offer received by him for his withdrawing/backing-off from the Panama Papers' case. Subsequently, on 25th April 2017, the Defendant stated, in a televised address to his party workers at Shaukat Khanum Hospital in Peshawar, that the aforesaid offer was worth Rs.10,000,000,000 (Rupees Ten Billion Only).
6. That thereafter, in the television programme "Off the Record", broadcasted on ARY News Channel on 26th April 2017 at 8:05pm, the Defendant made, communicated, published, circulated, and got broadcast, through and during the said talk-show, no less than three times the utterly false oral statement and representation, that the said offer was made to him through a person related, or

very close to, the Plaintiff, and followed this by orally stating, representing, communicating, circulating and getting broadcast in the same programme, that the said offer was made on behalf of the Plaintiff and his family.

A transcript of the relevant portions of this television programme reads as under:

پروگرام: OFF The Record

تاریخ: 26 اپریل 2017

چینل: ARY NEWS

Clip 1

- اینگر: فیصلہ پہ بھی آتا ہوں، لیکن فیصلے کے بعد آپ کا ایک بیان جس پہ بہت کمیٹری چل رہی ہے حکومت کی۔ دس ارب روپے کی آفر آپ کو نواز شریف صاحب نے کی۔ کس نے کی تھی آپ کو آفر۔
- عمران خان: وہ ایسے ہیں جو کہ ان کے بھی، ان کے رشتہ داری ہے ان کے بھائی کی رشتے۔ ان کے کافی قریب ہیں اس کے تھر وہ آفر آئی اور دوہائی کے ذریعے انہوں نے آفر کیا، اور یہ نہیں کہا کہ دس ارب صرف، دس ارب سٹارٹنگ پوائنٹ، اور جو آدمی تھا اس کو بھی آفر کیا کہ اگر تم اس کو منوالو، ہم تمہیں بھی پیسے دیں گے۔ اور میں اس Context میں کہہ رہا ہوں کہ سوچیں کہ اگر انہوں نے مجھے آفر کیا تو وہ ججز۔۔۔ میں اس لیے ان کو داد دیتا ہوں پانچ ججز کو ان کے اوپر انہوں نے کتنا کام کیا ہوگا۔
- اینگر: تو آپ کسی شخص کے جن کے بھائی کے ساتھ، اسد عمر یا زیر عمر تو نہیں ہو سکتے I am pretty sure
- عمران خان: اسے چھوڑیں، اسد عمر بالکل نہیں ہیں، لیکن ہیں اور ان کو بھی پتہ ہے، اس کا نام نہیں لوں گا،، اور نہ ہی اس سے پوچھ کے لوں گا لیکن میں آپ کو یہ بتاؤں۔ کہ مجھے کیا ضرورت پڑی ہے کہہنے کی دس ارب، مجھے کیا ضرورت پڑی ہے۔
- اینگر: اسد عمر، زیر عمر کے بھائی ہیں یا نہیں ہیں خان صاحب آپ پھنس گئے ہیں اس جواب پہ آ کے نہیں نہیں ان کے نہیں ہیں۔ لیکن۔۔۔
- اینگر: مطلب ان میں سے کوئی نہیں؟
- عمران خان: لیکن ہے، بہر حال۔۔۔ اگر وہ یہ کریں۔۔۔۔۔
- اینگر: نام کیوں نہیں لے پار ہے؟
- عمران خان: وہ میں اس لیے نہیں لے رہا وہ۔۔۔ اس۔۔۔ وہ بے چارہ پھنس جائے گا۔ اس نے جس طرح کی مجھے انہوں نے بتایا۔
- اینگر: میاں صاحب کا نام لے کر انہوں نے آپ سے کہا کہ وہ آپ کو آفر کرنا چاہتے ہیں؟
- عمران خان: انہوں نے میاں صاحب کا نام نہیں انہوں نے کہا۔۔۔ انہیں۔۔۔ ان کی طرف سے آفر آئی ہے، کیونکہ actually تو سارا شریف خاندان ہے اور ان کی ڈائریکٹ میاں صاحب سے نہیں ہے دوسری طرف ہے۔

ایسکر: دوسری کون سی طرف۔۔۔
 عمران خان: شہباز شریف کی طرف۔۔۔ ان کی طرف ہے!
 ایسکر: اور ایک ہی دفعہ آفر ہوئی آپ کو؟
 عمران خان: ہاں یہ ابھی مجھے۔۔۔
 ایسکر: کتنا عرصہ پہلے؟
 عمران خان: ان کو آفر تو پہلے کی آئی تھی۔۔۔ اس نے مجھے آدمی نے ابھی بتایا۔۔۔
 ایسکر: ابھی کتنا عرصہ پہلے؟
 عمران خان: دو ہفتے پہلے۔۔۔

7. That the aforementioned utterly false and manifestly defamatory oral statement and representation was uttered/communicated/published/circulated by the Defendant on and through the TV Programme "Off the Record" fully knowing that the statement being made by him was absolutely false, and that this false and defamatory statement is going to be/is being broadcast throughout Pakistan, and even abroad in numerous countries around the world, and would thus be disseminated, communicated, circulated, published and broadcast, not only to the general public in Pakistan, but also to a very large segment of people all around the globe where the said ARY Programme was being/to be aired.
8. 'That the aforementioned false imputation made by the Defendant, and communicated to the talk-show host and the general public throughout Pakistan as well as abroad, in and through the aforesaid television programme, were widely carried and reported in all leading English and Urdu newspapers of the country, details whereof are as under:
- (i) *Daily JANG*-27th April, 2017-Page-1 and Page-6, Column 3-8
 - (ii) *Daily NAWA-I-WAQT*- 27th April, 2017- Page-1 and Page 8, Column 5-6
 - (iii) *Daily DAWN*- 27th April, 2017- Page-1 and Page 5. Column 1-3
 - (iv) *Daily THE NEWS*- 27th April, 2017 - Page-1 and Page 8, Column 5-8
 - (v) *Daily EXPRESS*- 27th April, 2017 - Page-1, Column 3-7
 - (vi) *Daily DUNYA*- 27th April, 2017 - Page-1 and Page-6, Column 4-8
 - (vii) *Daily KHABRAIN*- 27th April, 2017- Page-1 and Page-8, Column 6-8
 - (viii) *Daily PAKISTAN*- 27th April, 2017- Page-1, Column 4-8
 - (ix) *Daily NAYI BAAT*-27th April, 2017-Page-1, Column 5-8
9. That none of the reports of the Defendant's aforementioned false and defamatory oral statement and representation carried by these newspapers was ever contradicted, rebutted retracted or renounced by the Defendant.

10. That on 28th April, 2017 the Defendant held a *jalsa* in Parade Ground, Islamabad, attended by a large number of people and broadcasted nationwide on Express News from 9.49 pm to 10.54 pm, during which he addressed the crowd and once again unabashedly repeated that he had received an offer of Rs. 10,000,000,000 to back off from the Panama Papers' case. During this address, the Defendant went on to call the Plaintiff and his brother "a mafia", and alleged that he would not disclose the name of the person who allegedly conveyed this offer to the Defendant because that would lead to retaliation against the said person by shutting down his business and implicating him in false cases. The Defendant then dared the Plaintiff to take him to court, saying, inter alia, that he would only disclose the name of this person in court, while also revealing that the said person was "their man" based in Dubai; and that this would also create problems for other relatives of the plaintiff and his brother.

A transcript of the relevant portions of this televised address reads from Express TV as under:

Imran Khan Speech

April 28, 2017

یہ شہباز شریف نے کوئی دعویٰ کیا ہے کہ وہ میرے اوپر کوئی بہت بڑا اربوں روپے کا ہرجانہ کیا اس نے میرے یہ وہ یہ کہہ رہا ہے کہ میں نے جو کہا ہے کہ مجھے دس ارب روپے کی آفر کی تھی میں چپ کر کے بیٹھ جاؤں پانا مہ پ، وہ غلط ہے۔ شہباز شریف اور نواز شریف! یہ میری بات سن لو آج مجھے دس ارب روپے کی آفر آئی اور جو آفر لے کر آیا اس کو کہا گیا کہ دو ارب تمہیں دیں گے اگر تم اسے منالو تو۔ اور بڑا اچھا ہو گیا کہ آپ مجھے عدالت میں لے کے جائیں کیونکہ میں صرف اس لیے اس کا نام نہیں لے رہا کہ مجھے پتہ ہے آپ سیاست دان نہیں۔ آپ مافیا ہیں۔ آپ اس کا رو بار بند کر دیں گے، آپ اس پر انتقامی کارروائی کریں گے، جھوٹا کیس کریں گے۔ جس طرح آپ نے ساری تحریک انصاف کی قیادت پہ جھوٹی ایف آئی آر میں لکھوائی ہیں اگر آپ مجھے اشتہاری بنادیا ہے، مجھے دہشت گرد بنادیا ہے تو اس بے چارے سے کیا ہوگا۔ اس لیے میں اس کا نام نہیں لے رہا لیکن عدالت میں آؤں، مجھے بلاؤ، میں اس کا نام بھی لوں گا۔ عدالت کو کہوں گا اس کو پروٹیکشن دے تاکہ یہ ظالم، جنہوں نے کسی، تیس سال سے ظلم کر رہے ہیں، تیس سال سے! جھوٹے کیسز، لوگوں کے بزنس بند کروانا، ایک لبرٹی میں کام کرتا تھا، لبرٹی میں اس کا سنسور تھا 'الفتح' وہ الفتح سنسور کا جو مالک تھا وہ تحریک انصاف میں آگیا اگلے دن انہوں نے الفتح سنسور بند کر دیا، یہ ہیں جو جمہوریت کا نام لیتے ہیں تو میں پہلے عدالت میں جا کے اس کیلئے پروٹیکشن لوں گا، پھر اس کا نام بھی بتاؤں گا اور پھر یہ بھی بتاؤں گا کہ وہی میں آپ کا کون آدمی بیٹھا ہے جس نے آفر دی تھی اور مجھے لگتا ہے اس میں آپ کے رشتہ دار پھنس جائیں لیکن کی اس میں کسی کو شک ہے کہ یہ تیس سال۔

11. That the aforementioned utterly false and defamatory statements having been widely communicated, circulated, disseminated and got broadcast, inter alia, through print and electronic media, lowered, and/or tended to lower

the Plaintiff in the estimation of others and reduce him to ridicule, unjust criticism, dislike, hatred and contempt, and causing him extreme mental torture, agony and anxiety.

12. That the Defendant being the originator/initiator of the defamatory statements and representations as detailed above, the Plaintiff, through his counsel served upon the Defendant a Legal Notice dated 08.05.2017 in terms of section 8 of the Defamation Ordinance, 2002 calling upon him to tender a proper apology within 14 days of receipt of the said notice, and to get the same published through print and electronic media in the same manner and with the same prominence as the publication of the defamatory statement and representation made by him against the Plaintiff, failing which, the Plaintiff further conveyed, he had instructed his counsel to initiate legal action against the Defendant for recovery of a sum of Rs. 10,000,000,000/- (Rupees Ten Billion Only) as damages under the Defamation Ordinance. 2002.
13. That the Defendant, despite having come to know of, and being served with the legal notice, has failed to tender an apology in terms of the legal notice sent to him on behalf of the Plaintiff, either in the Electronic and Print Media, or otherwise, hence this suit.
14. That as a result of the defamatory statements and false representations as noted above, and considering the prominence and wide range of publication, communication and circulation effected by him, seriousness of the defamation and defamatory content of his utterly false statements and representations, and the extent of persistence of the Defendant with his false and defamatory allegations, the Plaintiff is entitled to and claims compensation by way of general damages in the sum of Rs. 10,000,000,000/- (Rupees Ten Billion Only).
15. That the cause of action has arisen in favour of the Plaintiff and against the Defendant, firstly on 26th April, 2017, when the defamatory content was uttered and communicated through an utterly false statement and representation by the Defendant and was, to his knowledge, broadcast and

disseminated as such nationwide via TV Programme "*Off the Record*" aired by ARY News Channel at 8.05 pm, and repeated at 12.05 am on 27th April. 2017, secondly, when the said defamatory content was reported in all the leading newspapers of the country without any contradiction, rebuttal, retraction or renunciation thereof by the Defendant, thirdly, when the Defendant repeated his false oral statement and representation in front of the Electronic Media during the Jalsa in Parade Ground, Islamabad, and, lastly, on the lapse of fourteen days from the date of service of the legal notice sent by the Plaintiff under section 8 of the Defamation Ordinance, 2002, when the Defendant failed to tender any apology for the same, or to get such apology published in the print and Electronic media.

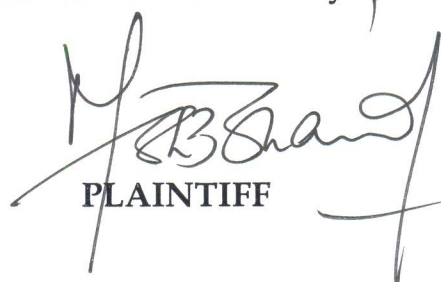
16. That the cause of action has, inter alia, arisen in Lahore, where the TV Programme "*Off the Record*" and Defendant's speech during the Jalsa held in Islamabad was also aired by the respective News Channels, as also the newspaper reports of the Defendant's defamatory statements and representations were circulated, and, as such this hon'ble Court has the jurisdiction to hear and adjudicate upon the instant suit under Section 13 of the Defamation Ordinance, 2002.
17. That the value of the suit for purposes of court-fee is fixed at Rs. 10,000,000,000/- and, as such, a maximum court fee of Rs. 15,000/- (Rupees fifteen thousand) has been affixed on the plaint.

PRAYER:


It is therefore most respectfully prayed that a decree for recovery of Rs. 10,000,000,000 (Rupees Ten Billion) as compensation for the publication of the aforesaid defamatory content be passed against the defendant and in favour of the plaintiff.

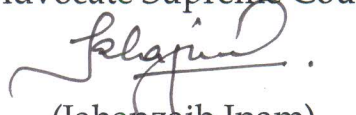
It is further prayed that this hon'ble Court may very kindly award the costs of the suit to the Plaintiff.

Any other relief deemed fit and proper by this hon'ble Court may also be granted in favour of the Plaintiff.


PLAINTIFF

through:


(Mustafa Ramday)
Advocate Supreme Court


(Jahanzaib Inam)
Advocate High Court

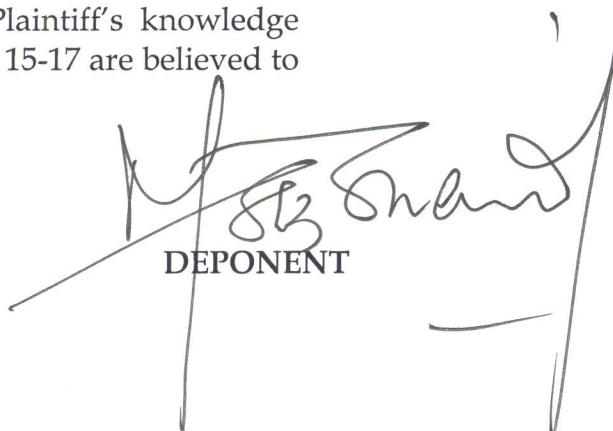

(Ahmed Jamal)
Advocate

RAMDAYS^
16-A, Hali Road, Gulberg-II,
Lahore

Dated: 06/07/2017

VERIFICATION:

Verified on oath at Lahore on this 6th day of July, 2017 that contents of Paras 1-14 are true and correct to the best of the Plaintiff's knowledge and belief and those of Paras 15-17 are believed to be true as per information.


DEPONENT

Declare On Oath Before Me
On 06/07/2017 By Mian Shabbaz Sherif CNIC 35260-3085629-3
S/o Mian Muhammad Sherif (late)
R/o House No. 180-181, H. Model Town, LAHORE
Identify By Mr. Mustafa Ramday.
Nazir Hussain Mirza
Oath Commissioner
Advocate High Court Lahore
Notification No 336 General/X.B9 (b) 1,
Expiry Date. 20-06-2018
6/7/17

ATTESTED
Nazir Hussain Mirza
Oath Commissioner
Lahore High Court Lahore.
Notification No 336 General/X.B9 (b) 1,
Expiry Date. 20-06-2018
6/7/17