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FORTNIGHTLY CASE LAW BULLETIN

(16-04-2025 to 30-04-2025)

A Summary of Latest Judgments Delivered by the Supreme Court of Pakistan & Lahore High Court, Legislation/Amendment in Legislation and important Articles
Prepared & Published by the Research Centre Lahore High Court

JUDGMENTS OF INTEREST

Sr. No.	Court	Subject	Area of Law	Page
1.	Supreme Court of Pakistan	Types of the property defined by legislature; Section 5 of Dowry and Bridal Gifts (Restriction) Act, 1976 ("Act") and its scope; Legislative intent of section 5 of the Act in respect of securing the independent proprietary status of the bride; Purposive interpretation of section 5 of the Act; Jurisdiction of Family Court under section 7 of the Family Courts Act, 1964, read with the Schedule; Right of a bride to her property and belongings under Section 5 of the Act; Interpretation of Section 5; Islamic jurisprudential foundation for right of a bride to her property and belongings; Claim of groom's family over "presents"; Definitional framework as provided in Sections 2(a), (b), and (e), read in conjunction with Section 5; Interpretation of the term "present" under Section 2(e); Social realities surrounding the practice of dowry and Islamic concept of Mehr; Response of the Society and promotion of marriages founded on simplicity.	Family Law	1
2.		Legality of withdrawal of right to compassionate employment extended to a widow on the pretext that she has subsequently remarried, operation/effect of the judgments of Supreme Court.	Service Law	4
3.		Right of appeal, a fundamental right, imposition of unreasonable condition upon admission of appeal, status of enactment inconsistent or in violation of any provision of the Constitution.	Civil Law	5
4.		Scope and application of point-to-point pay fixation formula in revised scales; Accounting concept and global standards of rounding off; Protocol of transmitting judgments by Supreme Court; Binding nature of Supreme Court's pronouncements under Article 189;	Service Law	7

		Doctrine of per incuriam and its application; Doctrine of stare decisis: meaning, application and rationale		
5.		Enforcement of employment rights of differently-abled persons; Constitutional guarantee of equality and non-discrimination; Incorporation of UN principles under the 2018 Act; Importance of enforcement and judicial review for safeguarding rights.	Service Law	9
6.		Applicability of the SRO	Income Tax Law	11
7.	Supreme Court of Pakistan	Entry in Rozenamcha Waqiyati is not the instrument of gift; Mutation based on Rozenamcha entry does not confer ownership rights; Mutation proceedings are administrative, not judicial, and do not confer title to property; The claimant must prove the original transaction when validity of mutation based on it is questioned; Role of burden of pleadings, evidentiary burden and burden of persuasion; Obligation of the party to specify the date, time, location, and witnesses of the transaction when the gift was proposed and accepted; Provision of a reason for making a gift is crucial to prevent superficial gifts undermining female family members' inheritance rights; Powers of the Courts to scrutinize the motives and circumstances of a gift to protect ownership and respect inheritance rights; Role of Fingerprints in establishing identity, serving as key evidence in civil cases for both living and deceased individuals; Application of Article 95 & 120 of Limitation Act 1908 in what matters; A declaratory suit seeking title to property represents a subsisting right; Right to file declaratory suit persists while claimant holds property rights; Accrual of right to sue upon denial or threat to property rights; Each successive denial gives rise to fresh cause of action;	Civil Law	12
8.		Benefit of doubt due to material inconsistencies and uncertainties in the prosecution's case; Recovery of a weapon of offence is only a corroborative piece of evidence.		15
9.		Effect of delay in FIR; un-natural conduct of witnesses shows their absence at the place of occurrence; contradiction is ocular account and medical evidence; conviction cannot be	Criminal Law	16

		awarded when direct evidence is disbelieve; doubt is prosecution story is sufficient to acquit the accused.		
10.		Taking cognizance under Section 190 Cr.P.C. without summoning the Investigating Officer or identifying errors in the investigation process.	Criminal Law	17
11.		Merely sending a notice in writing without establishing that such notice has been duly served under registered cover acknowledgement due upon the vendee does not meet the requirements of law; the bar under Section 19 and the waiver under Section 15 of the Khyber Pakhtunkhwa Pre-emption Act, 1987 apply to pre-emption claims due to the pre-emptor's omission		18
12.		Power of Review, Board of Revenue has no Suo Motu power to review, Judicial order cannot set aside by Administrative order	Civil Law	18
13.	Supreme Court of Pakistan	Legal definition and scope of a 'formal defect' justifying withdrawal and refiling of a suit, nature of the plaintiff's right under Order XXIII Rule 1 CPC and its limitation under Rule 2, preconditions for judicial permission to withdraw a suit with liberty to institute a fresh one, effect of suit withdrawal on existing judgments or decrees without formal setting aside.		20
14.		Liability of a proprietor despite pleading ignorance of the vessel's involvement in illegal activities, application of the principle of constructive knowledge to proprietors of vessels used for illegal purposes, responsibility of a proprietor benefiting from illegal activities conducted through their property.		21
15.		Failure to record the statement of a crucial eyewitness under Section 161 Cr.P.C. causes prejudice to the accused; Injuries on a witness do not guarantee the credibility or truth of the testimony.		22
16.		Absence of independent witnesses and video evidence warrants judicial scrutiny in narcotics cases; False implication, procedural irregularities, and recovery of non-commercial quantity justify further investigation and bail.		23
17.		Conviction of an accused and acquittal of co-accused on the basis of same set of evidence, Use of evidence for conviction which has not been put to accused in statement under section 342 Cr.P.C.		24
18.		Limitation on taking a plea to commit an	Criminal Law	25

		offence under the influence of an elder including father?		
19.	Supreme Court of Pakistan	Writ jurisdiction of High Court cannot be invoked without exhausting remedy available under the hierarchy of ITO; Order of a single judge of High Court cannot be assailed before the Supreme Court without exhausting the remedy of intra-court appeal.	Taxation/Constitutional Law	25
20.		Which vehicles/goods can be considered as smuggled, lawful excuse and lawful authority distinction; period to keep the record of import of a vehicle, presumption as to registered vehicle and verified registration book; principle of lawful excuse in tampered vehicle.	Custom/Civil Law	26
21.		Effect of ex-parte judgment and decree on earlier judgment passed by a court of competent jurisdiction.	Civil Law	29
22.		Credibility of eyewitnesses assessed in light of their unnatural conduct, failure to identify the dead body, and delay in postmortem examination; adverse inference drawn from the prosecution's failure to produce a material witness, legal effect of absence of a light source on identification in night-time incidents; inference of law arising from inordinate and unexplained delay in postmortem examination, applicability of benefit of doubt based on a single circumstance creating reasonable doubt.	Criminal Law	29
23.		Rule of consistency in bail matters; Bail in offences fall within non-prohibitory clause of Section 497 Cr.P.C; Principle of pre-arrest bail if the accused is otherwise entitled to post-arrest bail.		30
24.		Jurisdiction of Anti-Terrorism Court over heinous offences not amounting to terrorism; Validity of conviction under Section 365-A PPC alone; Trial of Third Schedule offences by Anti-Terrorism Court.		31
25.		Legal effect of unexplained delay in the lodging of an FIR; Inference to be drawn in case of delay in conducting post mortem examination; Effect of non-production of prosecution witness; Motive as a double-edged weapon; Benefit of doubt.		32
26.		Pre-arrest bail cannot be denied where an accused has a strong case for post-arrest bail.		34
27.		Testimony of an eyewitness cannot be discarded merely due to his relationship with the deceased; Normal errors of observation are		35

	Supreme Court of Pakistan	covered under minor discrepancies while material discrepancies are those which are not normal and not expected for a normal person; Failure to prove motive will be treated as mitigating circumstance; Minor discrepancies in the deposition of prosecution's witnesses present merely a mitigating circumstance capable of affecting no more than quantum of sentence.	Criminal Law	
28.		Principles governing bail in cross-version cases.		36
29.		Effects of unexplained delay in lodging of delay in conducting of post-mortem examination; evidentiary value of open mouth and eyes of the deceased and presence of rigor mortis; relevance of the conduct of an eye witness in a particular situation, evidentiary value of noting of blood trail, bruise and abrasion; where the dead body of deceased has been reportedly dragged.	Civil Law	37
30.		Res-judicata, Purchase of mortgagee rights as an acknowledgment; Title under prescription		38
31.	Lahore High Court	The law and procedure to send a reference to High Court where accused does not understand proceedings according to section 341 of the Code of Criminal Procedure.	Criminal Law	39
32.		Maintainability of two parallel proceedings before the two forums	Constitutional Law	40
33.		Re-appreciation of evidence in revisional jurisdiction, taking into consideration a document at the stage of revision; reliance upon the testimony of an untruthful witness.	Criminal Law	41
34.		Purpose of appointment of Local Commission; Dictionary meaning of "elucidate"; Evidentiary value of report of a local commission; local investigation and demarcation in a suit for possession to determine illegal occupation.	Civil Law	42
35.		Who is a tenant and continuance of tenancy on termination or death of tenant; Deposit of rent due and fixation of approximate rent in case of dispute.	Rent Law	43
36.		A court becomes functus officio upon non-fulfillment of a conditional decree within the stipulated time; a revision application must be filed within ninety days under the amended Section 115 of the Code of Civil Procedure; the law of limitation can be relaxed in revision	Constitutional Law	44

		proceedings tainted with patent illegality while balancing the principle that it aids the vigilant, not the indolent		
37.	Lahore High Court	Distinction between Maira, Ghairmumkin, and Banjar Qadeem lands for compensation purposes, determining factors for awarding compensation under the Land Acquisition Act, 1894, basis of compensation on the price a willing buyer would pay considering relevant factors. supremacy of public interest over individual property rights in land acquisition, entitlement of landowner to interest in addition to compensation upon deprivation of property.	Civil Law	45
38.		Nationalization of properties under the Life Insurance (Nationalization) Order, 1972, fraud during court proceedings, limitation period against order/judgment obtained through fraud jurisdiction of courts regarding matters pertaining to the Life Insurance (Nationalization) Order, 1972.		46
39.		Unutilized acquired land is to be auctioned or restore to the previous owner, how discretion should be used; principle of reversion; revenue authority cannot review the mutation sanctioned is pursuance of a decree passed by Civil Court, revenue officer has no jurisdiction to reassess or question the merits or correctness of a Civil Court decree.		48
40.		Institution of Suits by Financial Institutions under Section 9 of the Ordinance, 2001; Certified Statements of Account under the Bankers' Books Evidence Act, 1891; Effect of General Denials Without Documentary Proof in Financial Disputes; Unsubstantiated Objections Against Financial Documentation; Leave to Defend Based on Vague Denials under the Ordinance, 2001.	Banking Law	49
41.		The Returning Officer becomes functus officio once a candidate is declared elected; Non-issuance of notice violates the principle of natural justice; Direct evidence of corruption may not always be forthcoming in every case involving a misconduct of this nature; No issue of double jeopardy since proceedings before ECP and departmental proceedings are different in nature.	Service Law	51
42.		General allegations without specific details do not constitute a proper plea of fraud; High	Civil Law	52

		Court, in exercise of its revisional powers, cannot interfere unless such findings suffer from a jurisdictional defect, illegality, or material irregularity affecting the merits of the case.		
43.		Surety liability on conflicting bond and statement; Execution of decree against surety upon debtor's default; Surety liability despite debtor's arrest.	Family Law	53
44.		Registration of multiple FIRs for different versions of the same occurrence; applicability of the doctrine of sameness to FIRs arising from a common cause; consolidation of distinct occurrences across time and location under the doctrine of sameness; scope of section 180 Cr.P.C. in permitting trial of multiple offences at the place of abetment, judicial interpretation of the term "same transaction", distinction between section 239 Cr.P.C. and the doctrine of sameness in legal scope and purpose, applicability of Article 13(a) of the Constitution before conviction or acquittal in multiple jurisdictions.	Criminal Law	54
45.	Lahore High Court	Will and consent of the legal heirs; scope of doctrine of cause of action estoppel; consent of legal heirs diminishes relevance of the limit of on bequeathing in excess of 1/3 rd of the property	Civil Law	56
46.		Treatment to witness who changes his stance; Origin and meaning of the word testimony; Difference between resiling of complainant and resiling of witness; Evidentiary value of DNA; Fate of the case after resiling complainant.	Criminal Law	58
47.		Requirements and exceptions for application u/s 265F(7) CrPC; Procedure to attend a person appearing court to produce a document; Role of court in determining mode & manner of production of document.		60
48.		longstanding entries of cultivation--- omission omitted during consolidation--- Section 16 of the Punjab Consolidation of Holdings Ordinance, 1960, --- lack of notice of consolidation proceedings justify condonation of delay.	Civil Law	61
49.		Paternal grandfather is legally responsible for the maintenance of minor children when both parents lack the financial means; law does not favour piecemeal litigation, especially where a single comprehensive adjudication can resolve the matter.	Family Law	62

50.	Lahore High Court	Effect of ignoring existing vacancies on eligible candidates during the recruitment process.	Service Law	63
51.		Purpose of waiting list, obligation of Administrative Department of Government to make request to the Commission for provision of substitute from the waiting list during period of validity of the list	Constitutional/Service Law	64
52.		Concealment of FIR against the candidate in recruitment process; non-disclosure and wilful concealment of facts; principle of natural justice and proportionality; how the Rules and Standing Order should be applied, principle of actus non facit reum nisi mens sit rea (the act is not culpable unless the mind is guilty).	Civil Law	65
53.		Purpose of preparing a waiting list: Importance of maintaining and adhering to a waiting list; Selective application of the rules; Obligation of governmental departments with regard to departmental practice; Effect of selective application of rules and arbitrary deviation from departmental practice.	Service Law	67
54.		Constitutional jurisdiction of High Court where appeal and revision are barred; correction in judgment and decree by appellate court.	Family Law	68
55.		Rule of consistency: Avoidance from considering the merits of the case in pre-arrest bail: Circumstance when the courts can consider the merits of the case.	Criminal Law	69
56.		Liability of surety after the death of the judgment debtor; scope of liability of a surety under Section 145 of the Code of Civil Procedure, 1908, in relation to the execution of a decree or order.	Civil Law	70
57.		Criminal standard of proof not required for Shaheed declaration; Benefit of doubt favours claimant in medical causation; Rule 12 of Police (Award of Compensation) Rules, 1989 applies to delayed death; Liberal interpretation of Shaheed-related beneficial legislation.		71
58.		Effect of declaration of sub-sections (5) and (6) of Section 10 of the Family Courts Act, 1964 as repugnant to the injunctions of Islam; Distinction between talaq and khula under Islamic law; Wife's entitlement to deferred dower in khula based on fault or mere dislike of husband.	Family Law	73

59.	Lahore High Court	Custom, or usage having the force of law if it is inconsistent with the fundamental rights; Article 23 of Constitution of Islamic Republic of Pakistan 197; Article 24 of the Constitution; Compulsory acquisition of property for a company's commercial purposes, without satisfying the public purpose requirement or exceptions under Article 24(3); Purpose of Land Acquisition Act, 1984 and its enforcement in conformity with the Constitution; Definition of "Company" in Section 3(e) of the Land Acquisition Act, 1894; Interpretation of statutes termed as "reading down".	Civil Law	75
60.		Impact of urgency notification to acquire land, impact of exponential price raise in terms of market value; Duty of commissioner.	Constitutional Law	77
61.		Availability of review under Section 8 of the West Pakistan Board of Revenue Act as an adequate alternate remedy to bar constitutional jurisdiction, restoration of a case dismissed in the presence of the respondent/defendant without issuance of notice, decision of a case on merits on the same day of its restoration without notice in violation of natural justice and constitutional guarantees, prejudice caused to a litigant by the act or omission of the Court itself, importance of the audi alteram partem principle in judicial proceedings.	Revenue Law	79
62.		The Prosecution Act, 2006 or the Punjab Civil Servants Act, 1974 governs the service terms of prosecution employees; Article 212 of Constitution of Pakistan bars ordinary courts from entertaining disputes relating to the terms and conditions of service of persons in the service of Pakistan or a Province.	Constitutional Law	80
63.		Party cannot succeed on a plea not taken in pleadings; Pleading is not evidence but the foundation of litigation; Court cannot amend basic documents under Order VI Rule 17 CPC; Amendment in terms of agreement requires mutual consent of parties.	Civil Law	81
64.		Readiness to perform contractual obligations as a prerequisite in suits for specific performance or cancellation of an agreement to sell; Deposit of sale consideration or outstanding balance in court as a condition precedent for seeking specific performance relief; Parties are bound by their pleadings,		82

		and introducing new grounds at the appellate stage is prohibited to avoid unfair surprise to the opposing party; "Non-framing of issues becomes inconsequential when parties are aware of the dispute and present evidence accordingly; "Conditions for claiming benefits under Section 53-A of the Transfer of Property Act, 1882.		
65.		Rejection of plaint and the circumstances warranting so; Cause of action and effect of its accrual; Statutory function of Order VII Rule 11 CPC; Situation when rejection of plaint is permissible and necessary; Exercise the powers under Order VII Rule 11 CPC; Interference by Revisional Court; Scope and extent of the powers of Revisional Court.		84
66.	Lahore High Court	The implications of 5.12(3) of the Industrial and Commercial Employment (standing Orders) Ordinance, 1968; Verbal termination of service is violation of Labour Laws and good governance principles; Statutory interpretation and Constitutional enforcement in Employment Matters under the Standing Orders Ordinance, 1968; Precedence of statutory mandate over administrative discretion; Executive Authority cannot arbitrarily deny statutory rights or standing conferred by law; Executive has no discretion to deny rights established by law; Doctrine of Equality: Uniform application of legal standards and prohibition of discriminatory treatment by public authorities; Unlawful termination without written order violates statutory procedure and constitutional right to livelihood;	Service Law	85
67.		Prompt lodging of the crime report confirms eyewitness presence and excludes prior deliberation or fabrication; Reliable ocular evidence of prosecution witnesses is sufficient for conviction without corroborative evidence. The trustworthy, consistent, and reliable solitary statement of the victim is sufficient for conviction in a rape case. Any degree of penetration, even the slightest, is sufficient to constitute rape under Section 376 of the PPC, regardless of ejaculation; Conviction can be made without a positive DNA report. Absence of a DNA match does not automatically	Criminal Law	87

		exonerate the accused.		
68.	Lahore High Court	Appeal under Sections 45-B & 46 of the Act, 1990 not available against orders under Section 74; Constitutional petition is the only remedy against an order under Section 74 passed without notice or hearing; Condonation of delay beyond the statutory period under Section 74 of the Act, 1990 is exceptional supported with reasons, not routine; Condonation cannot be left to the discretion of an Inland Revenue officer; Section 74 of the Act, 1990 requires robust application of limitation for financial certainty in taxation matters; No statute can suppress fundamental rights and must always uphold public interest and constitutional compliance; Fairness, due process, and natural justice are grounds for judicial review;	Tax Law	88
69.		Bench Competency in Hearing Review Applications; Judicial Discretion in Imposition of Costs; Scope and Limitations of Review Jurisdiction; Consideration of Past Conduct for Imposition of Costs; Limits of Review to Errors Apparent on Record	Civil Law	90
70.		Appellate Court can extend prescribed period of limitation for sufficient cause under Rule 22 of West Pakistan Family Courts Rules, 1965; High Court can interfere under its certiorari jurisdiction in case of jurisdictional error or error of law apparent on the face of the record.	Constitutional Law	91
71.		Confession Questions to put at the time of confession; last seen together; CDR how to prove, independent witness of recovery produces corroboration, in case of single accused the evidence of prosecution cannot be considered as gospel truth; influence of court by emotions, benefit of doubt.	Criminal Law	92
72.		Significance of "possession" as an ingredient in the definition of offence of theft; Type of possession referred to by section 378 PPC; Liability of Co-sharer with respect to joint property; Existence of the civil rights or co-ownership and its effect on criminal investigation or prosecution: Obligation of criminal court regarding investigation at remand stage.	Criminal Law	94

73.	Lahore High Court	Extent of the surety's responsibility in relation to the accused; surety's liability once the accused appears before the Court; scope of criminal revision.		95
74.		Discretion of the Magistrate concerned to pass order under Section 63 of the Code of Criminal Procedure to discharge an accused		96

LATEST LEGISLATION/AMENDMENTS

1.	The official Gazette of Pakistan dated 31 st January 2025; The off the Grid (Captive Power Plants) Levy Ordinance, 2025.	96
2.	The official Gazette of Pakistan dated 22 nd March 2025; The Emigration (Amendment) Act, 2025.	96
3.	The official Gazette of Pakistan dated 22 nd March 2025; The Prevention of Trafficking in Persons (Amendment) Act, 2025	97
4.	The official Gazette of Pakistan dated 22 nd March 2025; The Prevention of Smuggling of Migrants (Amendment) Act, 2025.	97

SELECTED ARTICLES

1.	A Person Cannot Be Deprived of His Pension, Unless Found Guilty in Departmental Or Judicial Proceedings by Adv. Sanjeev Sirohi	97
2.	Investor-State Disputes at An All-Time High: What's Driving the Surge? By Shreya Srivastava	97
3.	Guernsey (United Kingdoms) Introduces A New and Updated Law on Sexual Violence. What Has Changed? By Swabhiman Panda	98
4.	Untangling the Knots: IBC's Stride Toward Creditor Fairness Amidst Workmen's Sacrifices by Hiten Lakhani, Amity and Shivaan Chadha	98
5.	How to Get Call Records of a Person? Can CDRs Be Used as Evidence in Court? By Swabhiman Panda	99

1.

Supreme Court of Pakistan**Muhammad Sajid v. Mst. Shamsa Asghar, etc.****C.P.L.A.3284-L/2022****Mr. Justice Syed Mansoor Ali Shah, Mr. Justice Aqeel Ahmed Abbasi**https://www.supremecourt.gov.pk/downloads_judgements/c.p. 3284 1 2022.pdf**Facts:**

The respondent instituted a suit for recovery of maintenance allowance and dowry against the petitioner before the trial court, which was partially decreed to the extent of dowry and maintenance. Feeling aggrieved, both parties filed appeals before Additional District Judge, who enhanced the value of dowry but rejected the claim for maintenance. Subsequently, the petitioner preferred a civil revision before the High Court, which was dismissed (“impugned order”). Hence, the instant petition for leave to appeal.

Issues:

- i) What types of the property, are defined by legislature and how do they originate?
- ii) What does section 5 of Dowry and Bridal Gifts (Restriction) Act, 1976 (“Act”) provide for?
- iii) What is the legislative intent of section 5 of the Act in respect of securing the independent proprietary status of the bride?
- iv) What does the purposive interpretation of section 5 of the Act indicate?
- v) In what matters, section 7 of the Family Courts Act, 1964, read with the Schedule [Part I] appended thereto, invests jurisdiction upon the Family Court and empowers a wife to initiate proceedings?
- vi) Whether the right of a bride to her property and belongings under Section 5 of the Act is reinforced by the constitutional guarantees?
- vii) What sort of interpretation is required to be made while construing Section 5?
- viii) What is the Islamic jurisprudential foundation for right of a bride to her property and belongings?
- ix) Whether the “presents” given to the groom’s family can be claimed by the bride?
- x) What kind of definitional framework is provided in Sections 2(a), (b), and (e), read in conjunction with Section 5?
- xi) In what sense, the term “present” under Section 2(e) is to be interpreted?
- xii) What are the social realities surrounding the practice of dowry and Islamic concept of Mehr?
- xiii) How and in what way this ruling is required to be construed?
- xiv) How should the society react the practice of dowry and Mehr?

Analysis:

- i) The legislature has drawn a clear distinction between three categories of property exchanged in connection with marriage: “dowry,” “bridal gifts,” and “presents”. Dowry originates from the bride’s parents to the bride; bridal gifts are conferred by the groom or his parents upon the bride; and presents constitute a residual category of gifts given to either party to a marriage (i.e., bride or groom) or their relatives in connection with the marriage.

- ii) All property given to the bride as dowry, bridal gifts, or presents shall vest absolutely in her. The use of the phrase “shall vest absolutely” confers exclusive and unqualified proprietary rights upon the bride, thereby barring any adverse claim by the husband or his relatives. The subsequent part “and her interest in property however derived shall hereafter not be restrictive, conditional or limited” acts as a safeguard to protect the bride’s proprietary autonomy from customary or familial encumbrances. This absolute vesting of rights in the bride remains unaffected by any subsequent separation or divorce, thereby reinforcing her enduring and independent entitlement to such property.
- iii) The legislative intent underpinning Section 5 is to secure the independent proprietary status of the bride and to shield her from dispossession, particularly in the event of marital breakdown.
- iv) A purposive interpretation of this provision necessarily confines the scope of recoverable property to that which is demonstrably intended for the bride.
- v) Section 7 of the Family Courts Act, 1964, read with the Schedule [Part I] appended thereto, vests the Family Court with jurisdiction to adjudicate claims relating to “dower”, “maintenance”, “dowry”, and “personal property and belongings of a wife”. This framework empowers a wife to initiate proceedings for the recovery of property, whether classified as dower, dowry, bridal gifts or presents (given to the bride). In such cases, these items vest absolutely in her as personal property and are recoverable under the Family Courts Act.
- vi) The right of a bride to her property and belongings under Section 5 is further reinforced by the constitutional guarantees enshrined in Articles 237 and 248 of the Constitution of the Islamic Republic of Pakistan, 1973 (“Constitution”), which recognize her right to hold, and dispose of her property irrespective of her marital status. It is further buttressed by Article 25 of the Constitution which guarantees equality before the law and equal protection of the law, obligating the State to eliminate all forms of discrimination against women. Additionally, Article 35 of the Constitution obligates the State to protect the marriage, the family, the mother, and the child.
- vii) In construing Section 5, courts must therefore interpret the statutory language in harmony with these constitutional principles, ensuring that women’s economic autonomy is upheld and not subordinated to any patriarchal or customary practices.
- viii) A parallel foundation for this interpretation exists in classical Islamic jurisprudence. As articulated in D. F Mulla’s Principles of Mohammadan Law, any property, movable or immovable, given to the wife at the time of the marriage, whether by her own family, the husband, or his family, is presumed to be her exclusive property unless clear and cogent evidence is led to rebut this presumption. Under Hanafi law, gifts (hiba) made to the bride in connection with marriage are deemed irrevocable and confer absolute ownership in the bride. This includes dowry, Mehr and any other wedding gifts. Although such gifts exchanged between spouses are considered irrevocable, neither party may subsequently seek their recovery or revocation. The presumption of exclusive

ownership reflects a deliberate policy of financial empowerment of women. Any interpretive approach that seeks to include property never delivered to or intended for the bride would distort both the legislative intent and well-settled Islamic principles.

ix) “Presents” given to the groom’s family cannot be claimed by the bride under the Act unless it is clearly established that they were intended solely for her use or benefit.

x) The definitional framework provided in Sections 2(a), (b), and (e), read in conjunction with Section 5, establishes a clear threshold: only property that legally vests in the bride is afforded protection under the statute.

xi) The term “present” under Section 2(e) must be interpreted restrictively to exclude items given to the groom’s family or relatives, as such items do not vest in the bride and are therefore not recoverable by her.

xii) While this judgment is confined to interpreting the statutory protections afforded to the bride, we find it necessary to acknowledge the broader social realities surrounding the practice of dowry. When socially imposed, dowry can exert severe pressure on families, especially those with limited financial resources. In contrast, Islam designates Mehr as the sole obligatory provision, an unconditional gift from the groom to the bride, intending to secure her financial autonomy without burdening her family. Dowry, unless given voluntarily and free from coercion, or social pressure, perpetuates inequality and exploitation, running contrary to the ideals of equitable marriage enshrined in both constitutional and Islamic frameworks.

xiii) This ruling must not be misconstrued as an endorsement of dowry; rather, it serves as a firm reminder that any property received by the bride remains exclusively hers and is not subject to claim or appropriation by the groom or his family. No misplaced expectations or entitlements should arise in this regard.

xiv) Society must strive to abandon regressive dowry practices, and instead promote a model of marriage rooted in simplicity, mutual dignity, and the groom’s financial responsibility through Mehr. As a matter of public policy, any gifts or contributions made by the bride’s family should be entirely voluntary, and given without societal pressure, thereby preserving familial dignity and reaffirming the constitutional commitment to equality and human dignity.

Conclusion: i) “Dowry,” “bridal gifts,” and “presents” are the three categories of property exchanged in connection with marriage. Dowry are given from the bride’s parents to the bride, bridal gifts are awarded by the groom or his parents to the bride and presents are rest of the category of gifts given to either party to a marriage.

ii) All property given to the bride in shape of dowry, bridal gifts and presents shall vest in her and the same will remain unaffected by any subsequent separation or divorce.

iii) The legislative intent of section 5 is to protect the possession and proprietary status of the bride.

iv) A purposive interpretation of section 5 indicate that this provision restricts the

scope of the property intended for the bride.

v) Section 7 of the Family Courts Act, 1964, read with the Schedule [Part I] confers the jurisdiction upon the Family Court to adjudicate the claims relating to dower, maintenance, dowry, and personal property and belongings of a wife. As these items vest in her so the same are recoverable under the Family Courts Act.

vi) See above analysis No. vi.

vii) The interpretation of section 5 must be in harmony with the constitutional principles.

viii) Any property given to the wife at the time of the marriage, is presumed to be her exclusive property unless such presumption is rebutted through clear and cogent evidence.

ix) See above analysis No. ix

x) The definitional framework establishes a threshold that the property vests in the bride is protected under the statute.

xi) The term “present” is to be interpreted restrictively.

xii) See above analysis No. xii.

xiii) The ruling affirms that dowry remains the bride’s exclusive property and cannot be claimed by the groom or his family.

xiv) Society should reject regressive and instead promote marriages founded on simplicity, mutual dignity, and the groom’s financial responsibility through Mehr. Any gifts or contributions from the bride’s family should be voluntary, and free from social pressure.

2.

Supreme Court of Pakistan

The Chief Commissioner Regional Tax Officer, Bahawalpur, etc. v. Shaheen Yousaf

C.P.L.A. No. 808/2023

Mr. Justice Syed Mansoor Ali Shah, Mr. Justice Aqeel Ahmed Abbasi

https://www.supremecourt.gov.pk/downloads_judgements/c.p. 88 2023 160420 25.pdf

Facts:

The respondent, whose husband, an employee of the Income Tax Department, passed away, was appointed as a Lower Division Clerk (LDC) under the Prime Minister’s Assistance Package. Her contract was extended multiple times until it was terminated based on an Office Memorandum stating that a widow becomes ineligible for compassionate employment upon remarriage. The respondent challenged this termination in the High Court, which directed the Federal Board of Revenue to address her grievance. After her representation was rejected, she filed a second writ petition, which was allowed vide (“impugned judgment”), resulting in her reinstatement. Hence, the instant petition seeking leave to appeal against the impugned judgment.

Issues:

i) Whether the right to compassionate employment extended to a widow under the Prime Minister’s Assistance Package can be withdrawn on the pretext that she has subsequently remarried?

ii) Whether the judgments of Supreme Court operate prospectively?

Analysis:

i) Turning to the O.M. dated 15.12.2015, it is manifestly discriminatory as it singles out widows, the female spouses of deceased government employees for disqualification from compassionate employment upon remarriage, without imposing a corresponding restriction on widowers, notwithstanding the Prime Minister's Assistance Package which offers compassionate employment to both a widow and a widower.⁵ This gender-specific disqualification amounts to direct discrimination based on sex, contravening Articles 25(1) and 25(2) of the Constitution, which guarantee equality before the law and prohibit discrimination on the basis of sex.⁶ The O.M.'s discriminatory nature is further underscored by its inapplicability to widowers in identical circumstances, rendering it inherently unequal, arbitrary, and devoid of constitutional justification. It therefore fails the test of reasonable classification and cannot be sustained in law.⁷ It also offends the guarantees of non-discrimination in public service (Article 27)⁸. By conditioning continued employment on a widow's remarriage status, the O.M. reinforces outdated patriarchal assumptions, treating widows as passive dependents entitled to benefits only while they remain unmarried. This violates the fundamental rights to livelihood and dignity under Article 14 of the Constitution.⁹ It penalizes a woman for choosing to remarry, a constitutionally protected liberty by extinguishing her employment rights.

ii) It is well settled that the judgments of this Court operate prospectively, unless declared otherwise.

Conclusion:

i) No, this violates the fundamental rights under the Constitution.
 ii) Yes, the judgments of Supreme Court operate prospectively, unless declared otherwise.

3. Supreme Court of Pakistan
Senior Joint Director Foreign Exchange Operations Division SBP v. Federation of Pakistan and others
Civil Petition No. 1477 of 2023
Mr. Justice Amin-ud-Din Khan, Senior Judge, Mr. Justice Jamal Khan Mandokhail, Mr. Justice Naeem Akhter Afghan, Mr. Justice Shakeel Ahmad, Mr. Justice Aamer Farooq
https://www.supremecourt.gov.pk/downloads_judgements/c.p. 1477 2023 2003 2025.pdf

Facts:

Section 23C (4) of the Foreign Exchange Regulation Act, 1947 and rule 8 of the Adjudication Proceedings and Appeal Rules, 1998 were challenged before Lahore High Court and same were declared unconstitutional and in violation of fundamental right of access to justice. The order was challenged before Supreme Court of Pakistan and the same was upheld.

Issues:

i) Whether right of appeal is fundamental rights of a citizen?

- ii) Whether imposition of unreasonable condition upon admission of appeal amount to violation of fundamental rights?
- iii) What is the legal status of an enactment which is inconsistent with the constitution?
- iv) What would be an “unreasonable” condition attached to an appeal?

Analysis:

- i) There is always a possibility of error, mistake of facts or law in a decision at the level of initial forum, therefore, the right of appeal is a substantive right of an aggrieved person. It existed since the establishment of judiciary, with its primary function to protect against miscarriage of justice. A right of access to justice and a right to a fair trial and due process is a fundamental right of a citizen, guaranteed by Article 10A of the Constitution of the Islamic Republic of Pakistan, 1973 (‘Constitution’), which includes an appeal to a higher, independent and impartial forum to scrutinize the decision of the fora below. It plays a role to review very carefully, to interpret and apply law in most accurate and uniform manner within the limits of legal procedure, in order to eliminate a slightest instance of miscarriage of justice. Denial of right of appeal violates the fundamental rights of a citizen, the principles of natural justice and the injunctions of Islam.
- ii) The Constitution guarantees that every person enjoys the protection of law and is to be treated in accordance with law, therefore, no clog, condition or restriction should be imposed by a simple act or law on a fundamental right conferred upon him by the Constitution, except in specific situation and according to due process, only in the larger interest of public... . It is well settled that the right of appeal derives through a Statute. The Constitution does not restrict the Legislature to impose conditions or restrictions, while granting the right of appeal. However, those conditions or restrictions must be with due regard to the public requirement and reasonable. Making a fundamental right subject to any clog, condition or restriction, contrary to the constitutional provisions or beyond the parameters of reasonableness, would be violative of the fundamental rights guaranteed by the Constitution...
- iii) The authority of the Parliament to legislate is derived from the Constitution, which must be consistent with and in accordance with the Constitution. Any enactment, a part of it or amendment introduced in it, if inconsistent or in violation of any provision of the Constitution, shall to the extent of such inconsistency or violation, be void.
- iv) Unreasonable conditions attached to an appeal would likely be one that is not justified, disproportionate or infringed upon the fundamental rights or the legal process. An unreasonable condition could make it impossible or unfairly difficult to exercise the right to appeal. Similarly, conditions that obstruct the normal and fair functioning of the due process for an appellant, such as, the payment of excessive amount could be considered as unreasonable.

Conclusion: i) Yes, right of appeal to a higher forum is fundamental rights of a citizen.

- ii) Yes, imposition of unreasonable condition upon admission of appeal amount to violation of fundamental rights.
- iii) Enactment inconsistent or in violation of any provision of the Constitution, shall to the extent of such inconsistency or violation, be void.
- iv) See above analysis iv.

**4. Supreme Court of Pakistan
Federation of Pakistan through Secretary Finance Division and another v. Abdul Rasheed Memon
Civil Petition. No. 1124-k of 2023
Mr. Justice Muhammad Ali Mazhar, Mr. Justice Syed Hasan Azhar Rizvi
https://www.supremecourt.gov.pk/downloads_judgements/c.p. 1124 k 2023.pdf**

Facts: The respondent, a civil servant, sought re-fixation of his salary based on a 15% increase ordered by the President in 2007, claiming the revised pay fell short of the mandated percentage. His appeal was allowed by the Tribunal relying on an earlier decision which had already been set aside by the Supreme Court; the said judgment is challenged through instant civil petition by the Federation of Pakistan.

Issues:

- i) What is the scope and application of the point-to-point pay fixation formula in revised pay scales?
- ii) What is the accounting concept of rounding off, and how is it applied in financial standards?
- iii) What is the protocol followed by the Supreme Court regarding communication of its judgments?
- iv) What is the binding effect of the Supreme Court's pronouncements under Article 189 of the Constitution?
- v) When is a court's decision considered to be rendered *per incuriam*?
- vi) What is the doctrine of stare decisis, when does it apply, and what is the rationale behind its adherence in the judicial system?

Analysis:

- i) For all intents and purposes, it commands the fixation of pay in the revised pay scale, if any, at the stage in the relevant revised basic pay scale that corresponds to as many stages above the stage occupied by a civil servant/employee above the minimum of the modified/revised basic scale.
- ii) According to the accounting/mercantile system or practice, a number is simplified by keeping its value intact but rounding it to the nearest whole number. This process, termed as "rounding off", may be applied to whole numerals or decimals at several places; to hundreds, tens or tenths, in order to maintain the value (...) The arithmetic rounding off method is the most common rounding algorithm and is based on the "round to nearest" rule. It rounds a number to the nearest whole number, with numbers exactly halfway between two whole numbers rounded to the nearest even number. The International Financial Reporting Standards (IFRS), developed by the International Accounting

Standards Board (IASB), is a set of accounting standards which includes guidelines on rounding financial numbers in financial statements, such as the requirement of rounding amounts to the nearest whole number or the nearest multiple of 10. Similarly, the Generally Accepted Accounting Principles (GAAP) in the United States includes similar guidelines on rounding financial numbers as IFRS.

iii) It is common protocol that, in cases of affirming, setting aside, or even modifying any order or judgment of any court, tribunal, or quasi-judicial authority, a copy of the judgment is transmitted by this Court for information, future guidance, or implementation.

iv) Where the Supreme Court deliberately, and with the intention of settling the law, pronounces upon a question of law, such pronouncement is the law declared by the Supreme Court within the meaning of Article 189 of the Constitution of the Islamic Republic of Pakistan and is binding on all of the courts of Pakistan (...) even obiter dicta enjoy a highly respected position as if they contain a definite expression of the Court's view on a legal principle or the meaning of a law.

v) The verdict of a court is considered *per incuriam* when it is rendered in ignorance of a statute or rule having the force of statute (...) *per incuriam* means “*per ignorantiam*”, that is, ignorance of a statute or of a rule having statutory effect which would have affected the decision if the Court had been aware of it (...) where a case or statute had not been brought to the Court's attention and the Court gave the decision in ignorance or forgetfulness of the existence of the case or statute, it would be a decision rendered in *per incuriam*.

vi) The doctrine of *Stare Decisis* is a Latin term that connotes “let the decision stand” or “to stand by things decided” (...) The doctrine of precedents, *vis-à-vis* *stare decisis*, has fundamental value in ensuring an objective of certitude and firmness in the legal system. The rule of adherence to judicial precedents finds its expression in the doctrine of *stare decisis*. This doctrine posits that, when a point or principle of law has officially been decided or settled by the ruling of a competent court in a case where it was directly and necessarily involved, it will no longer be considered as open to re-examination or to a new ruling. This policy of the courts is conveniently termed as the doctrine of *stare decisis*. The rationale behind this policy is the need to promote certainty, stability, and predictability in the law.

- Conclusion:**
- i) The point-to-point fixation formula mandates corresponding stage-wise pay adjustment above the minimum in the revised scale.
 - ii) Rounding off is an accounting process of simplifying figures to the nearest value, recognised by IFRS and GAAP.
 - iii) The Supreme Court transmits copies of its judgments for information, guidance, or implementation as a matter of protocol.
 - iv) Pronouncements of the Supreme Court on questions of law are binding under Article 189, and even obiter dicta carry authoritative weight.
 - v) A decision is rendered *per incuriam* when given in ignorance of a relevant

statute or binding precedent.

vi) The doctrine of stare decisis requires courts to follow settled legal principles decided by competent courts to ensure consistency, stability, and predictability in the law.

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- 5. Supreme Court of Pakistan**
The Province of Sindh through Chief Secretary, Government of Sindh, Karachi & others v. Abid Ali Jatoti & others
Civil Petitions No.220-K to 442-K of 2025
Mr. Justice Muhammad Ali Mazhar, Mr. Justice Aqeel Ahmed Abbasi
https://www.supremecourt.gov.pk/downloads_judgements/c.p. 220 k 2025.pdf

Facts: Differently-abled persons sought enforcement of their right to employment under the 5% quota reserved by law. The High Court directed government authorities to ensure compliance with the quota and process pending applications. The government of Sindh filed an appeal before Supreme Court which is the subject of this decision.

Issues:

- i) Whether differently-abled persons are entitled to enforcement of the employment quota?
- ii) Whether the Constitution of Pakistan guarantees equality and prohibits discrimination among citizens in matters of law, protection, and employment opportunities?
- iii) Whether the Sindh Empowerment of Persons with Disabilities Act, 2018 effectively incorporates the UN Convention principles and provides a framework for the protection and certification of persons with disabilities?
- iv) Whether the effective enforcement of beneficial legislation, including judicial review, is essential for ensuring justice, equality, and protection of rights?

Analysis: i) The State is obliged under Article 3 of the Constitution of the Islamic Republic of Pakistan, 1973 (“Constitution”) to ensure the elimination of all forms of exploitation and work towards the gradual fulfillment of the fundamental principle of “from each according to his ability, to each according to his work”. The foremost objective of all laws in our country related to disabled/differently-abled persons is to protect and safeguard their rights, including provisions for employment commensurate with their capabilities and capacities to work. Furthermore, if we examine the principal objective of the United Nations Convention on the Rights of Persons with Disabilities, 2006 (“UN Convention”), it *inter alia* envisions the promotion and protection of the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, along with respect for their inherent dignity. Persons with disabilities include those who have longterm physical, mental, intellectual, or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others. Discrimination on the basis of disability means any distinction, exclusion, or restriction that impairs or nullifies the recognition, enjoyment, or exercise of all human rights and

fundamental freedoms on an equal basis in the political, economic, social, cultural, civil, or any other field.

ii) According to Article 25 of the Constitution, all citizens are equal before the law and are entitled to equal protection of the law, and there shall be no discrimination on the basis of sex. The catchphrase 'equal laws' emphasizes that there should be no discrimination between individuals in the context of law and policy if both are evidently on the same footing. Our constitution does not only command equality but also safeguards and guarantees equal opportunity among the persons within the same class or genre, without illogical distinctions or partialities. Article 4 of the Constitution encompasses the doctrine of equality before the law and equal protection, ensuring that no action detrimental to a person's life, liberty, body, reputation, or property can be taken except in accordance with the law. The Objectives Resolution, made a substantive part of the Constitution by virtue of Article 2-A, unequivocally enjoins that the principles of equality, social justice, and economic justice, as enunciated by Islam, will be fully observed and guaranteed as fundamental rights. Furthermore, the Principles of Policy contained in Article 38 of the Constitution also provide that the State should secure the well-being of the people by raising their standards of living, ensuring an equitable adjustment of rights between employers and employees, and providing for all citizens, within the available resources of the country, facilities for work and adequate livelihood, while reducing income disparities among individuals.

iii) The preamble of the 2018 Act clearly demonstrates and intelligibly epitomizes that it was promulgated to give effect to the UN Convention and for matters connected therewith or incidental thereto. The United Nations General Assembly adopted this Convention on the 13th of December, 2006, laying down the following principles for the empowerment of persons with disabilities: (a) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; (b) non-discrimination; (c) full and effective participation and inclusion in society; (d) respect for difference and acceptance of 'Persons with Disabilities' as part of human diversity and humanity; (e) equality of opportunity; (f) accessibility; (g) equality between men and women; (h) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities. According to the 2018 Act, the Islamic Republic of Pakistan ratified the UN Convention on 25th October, 2011. Since it is now a provincial subject, the Provincial Assembly of Sindh, in an effort to promote and ensure full and effective inclusion of persons with disabilities in the community, promulgated the 2018 Act with an institutional framework to protect their rights, in general, and in particular, to align with the UN Convention by ensuring meaningful and effective access to various physical and intangible resources tailored to fulfill the special needs of persons with disabilities. As per Section 2 (h) (Definitions Clause), 'Disabilities/Specified disabilities' refers to the disabilities specified in the Schedule. The Schedule appended to the Act in extenso delineates the

description/categories under distinct heads, such as: Physical disabilities, Neuro-Developmental Disorders, Disabilities caused due to chronic neurological conditions, Multiple Disabilities i.e., more than one of the above specified disabilities causing severe communication, developmental, social and educational problems), and any other category as may be notified by the Government (not otherwise specified). Additionally, Section 25 of the 2018 Act provides a guiding principle and procedure, including a right of appeal for an aggrieved person for 'Certification of Persons with Disabilities', under which the Government is obligated to designate 'District Committees', in each district of Sindh, composed of persons with the requisite qualifications, experience, and competency to assess the extent of specified disabilities in individuals.

iv) Obviously, the 2018 Act is beneficial legislation enacted for the empowerment of persons with disabilities, focused on a particular subject. Therefore, this law ought to be enforced and implemented in letter and spirit across the board without any bias and discrimination. Mere legislation is not sufficient, nor does it serve any purpose unless it is specifically enforced and administered. Implementing and enforcing laws in the right dimensions represent the unfeigned strategy through which government authorities put the laws into action for effective and meaningful compliance under their beneficiaries. The effectual and proficient implementation of the law is not only essential for maintaining order, but it also guarantees justice, even-handedness, and equality in society with impartiality. Contemporaneously, the tool of judicial review is also a significant *modus operandi* that authorizes the courts to dwell on legislative competence, the constitutionality of law, and executive actions, to analyze whether the law aligns with constitutional mandates and whether its implementation is fair and just, without any arbitrariness or discrimination. This is necessary for safeguarding and upholding the rights of people as a key element in strengthening the rule of law.

- Conclusion:**
- i) Yes, differently-abled persons are entitled to enforcement of their employment rights through judicial directions.
 - ii) Yes, the Constitution guarantees equality and prohibits discrimination among citizens in law, protection, and employment.
 - iii) Yes, the 2018 Act incorporates UN principles and establishes a framework for the protection and certification of persons with disabilities.
 - iv) Yes, effective enforcement and judicial review are essential for achieving justice, equality, and safeguarding rights.

6. **Supreme Court of Pakistan**
Commissioner Inland Revenue, Corporate Zone, Regional Tax Office,
Faisalabad v. M/s National Public Welfare Society, Jinnah Colony,
Faisalabad and another
Civil Petition No.687-L of 2024
Mr. Justice Munib Akhtar, Mrs. Justice Ayesha A. Malik, Mr. Justice Aqeel
Ahmed Abbasi
https://www.supremecourt.gov.pk/downloads_judgements/c.p. 687 1 2024.pdf

- Facts:** The Civil Petition contests the High Court's dismissal of an income tax reference by the Commissioner Inland Revenue. The Petitioner's counsel claims the High Court misinterpreted the Income Tax Ordinance, 2002, regarding a welfare society's tax credit eligibility for the 2019 tax year. The taxpayer received a show cause notice for not having valid approval for tax credit, as their previous approval had expired. The assessment order and subsequent appeal upheld this view, the Tribunal ruled in favor of the taxpayer, stating their approval was valid from 2016, not retrospectively from 2007. The High Court affirmed the Tribunal's decision.
- Issues:** i) Whether Rule 214 of Income Tax Rules, 2002 as amended by the SRO will apply retrospectively?
- Analysis:** A bare reading of Rule 214 clarifies that it will apply for the subsequent three years meaning that it will apply prospectively as the words subsequent three years do not suggest that this amendment will apply retrospectively. Admittedly, the SRO does not contain any provision which suggests that the said SRO will apply retrospectively. Under the circumstances the contention of the Petitioner that the approval obtained by the taxpayer in the year 2007 is no longer valid, as it expired in 2010, on account of the SRO, is misconceived as the argument suggests a retrospective application of the SRO. This goes against the settled law that retrospective application of the law cannot be made unless specifically provided for, particularly in tax cases.
- Conclusion:** i) It will apply prospectively.

**7. Supreme Court of Pakistan,
Mst. Ramzanu Bibi v. Ibrahim (deceased) through L.Rs, etc.
CA No. 113-L/2010
Mr. Justice Amin-Ud-Din Khan, Mr. Justice Shahid Waheed.
https://www.supremecourt.gov.pk/downloads_judgements/c.a._113_1_2010.pdf**

- Facts:** The appellant has filed this appeal challenging the dismissal of her claim over inherited land by the Courts blow. She asserts that the land, which she inherited from her mother, was fraudulently and deceitfully shown as gifted by her to respondent No.1 and the predecessor of respondents No.2 to 5 through impugned mutation.
- Issues:** i) Whether the entry into the Rozenamcha Waqiyati can serve as the instrument of the gift?
ii) Whether a mutation based on an entry in the Rozenamcha Waqiyati confers ownership rights?
iii) What is the nature of mutation proceedings, and do they confer title to the property?

- iv) Whether parties relying on a mutation are required to prove the original transaction when the authenticity of the mutation is challenged?
- v) What role does the burden of pleading play in framing issues?
- vi) How does the evidentiary burden establish the factual basis in a case?
- vii) What role does the burden of persuasion play in determining legal entitlement?
- viii) Whether the party asserting the gift is legally obligated to specify the date, time, location, and witnesses to substantiate the claimed transaction?
- ix) What is the importance of providing a reason for a gift?
- x) Whether the Courts have the power to scrutinize the motives behind a gift to protect inheritance rights?
- xi) What role do fingerprints play in establishing an individual's identity in civil cases?
- xii) In what cases does Article 95 of the Limitation Act of 1908 apply?
- xiii) Whether Article 95 applies when a mutation is illegally approved by a revenue officer?
- xiv) Which Article of the Limitation Act, 1908 applies to a suit for declaration and possession where a mutation is challenged on the ground of fraud?
- xv) Whether a declaratory suit seeking to establish title to property represents a subsisting right?
- xvi) Whether the right to institute a declaratory suit is a continuing right?
- xvii) When does the right to sue arise?
- xvii) Whether each successive act of denial gives rise to a new cause of action?

Analysis:

- i) The entry into the Rozenamcha Waqiyati does not itself serve as the instrument of the gift.
- ii) Even if a mutation—based on an entry in the Rozenamcha Waqiyati—is attested, this documentation does not confer ownership rights.
- iii) This Court has consistently held that mutation proceedings are not judicial in nature; they are administrative processes that merely embody the ownership changes to ensure the realisation of land revenue but do not inherently confer title to the property involved.
- iv) When the authenticity of any mutation is brought into question, it is incumbent upon the parties asserting their rights through the mutation to refer back to the original transaction that led to the mutation's attestation. They must then substantiate their claims concerning this original transaction, which underpins the entry and validation of the mutation.
- v) The burden of pleading ensures proper framing of issues.
- vi) The evidentiary burden establishes factual basis.
- vii) The burden of persuasion is the ultimate determinant of legal entitlement.
- viii) The respondents were obligated to clearly articulate the date, time, and location of the transaction, as well as the names of the witnesses, who were present when Ramzanu Bibi purportedly proposed to gift her inherited land, and the respondents affirmed their acceptance of this gift at that time.

- ix) The importance of providing a reason for making a gift is amplified in light of empirical studies, which indicate that superficial or frivolous gifts are often made, particularly to disadvantage female family members and undermine their inheritance rights.
- x) The courts retain the power to scrutinise the motives and circumstances surrounding a gift, ensuring that rightful ownership is protected and that established lines of inheritance are respected.
- xi) Here, we will pause to highlight and underscore fingerprint's vital role in revealing an individual's true identity. Whether concerning living persons or those who have passed away, known or unknown persons, fingerprints serve as critical evidence to support or challenge the claim of the parties involved in civil cases.
- xii) This Article applies only to cases where a party has been, by means of fraud, induced to enter into some transaction, execute some deed, or do some other act, and desires to be relieved from the consequences of such act.
- xiii) The mutation, as stated above, does not confer title in favour of any party but constitutes merely an official record for fiscal purposes. As such, its illegal approval by the revenue officer had no bearing on the appellant's title and could be treated as a nullity. Given the situation, Article 95 was inapplicable to her case.
- xiv) A careful examination of the plaint reveals that the appellant's claim was based on her asserting ownership over the disputed property. Central to her allegations was the assertion of fraud, particularly that mutation No. 914 was sanctioned in her absence, accompanied by alleged collusion between the respondents and certain revenue officials. The legal framework governing such a claim, particularly for a suit seeking a declaration and a request for consequential relief—such as possession—falls under Article 120 of the Limitation Act, 1908.
- xv) It is important to understand that a declaratory suit that seeks to establish title to a particular property represents a subsisting right.
- xvi) The right to institute such a suit is a continuing right, remaining intact as long as the claimant (plaintiff) possesses rights to the disputed property.
- xvii) The pivotal point at which the right to sue accrues arises when the opposing party denies or challenges the specific rights associated with the property in question or at least exerts an unequivocal threat to infringe that right.
- xviii) In situations characterised by successive acts of denial, a new cause of action arises each time there is a significant challenge to the claimant's (plaintiff's) rights.

- Conclusion:**
- i) Entry in Rozenamcha Waqiyati is not the instrument of gift.
 - ii) Mutation based on Rozenamcha entry does not confer ownership rights.
 - iii) Mutation proceedings are administrative, not judicial, and do not confer title to property.
 - iv) When a mutation's authenticity is challenged, the claimant must prove the original transaction it is based on.
 - v) See above analysis No.v).

- vi) See above analysis No.vi).
- vii) See above analysis No.vii).
- viii) The party is obligated to specify the date, time, location, and witnesses of the transaction when the gift was proposed and accepted.
- ix) Providing a reason for making a gift is crucial to prevent superficial gifts that undermine female family members' inheritance rights).
- x) Courts can scrutinize the motives and circumstances of a gift to protect ownership and respect inheritance rights.
- xi) Fingerprints play a vital role in establishing identity, serving as key evidence in civil cases for both living and deceased individuals.
- xii) Article 95 of Limitation Act 1908 applies when a party, induced by fraud, seeks relief from the consequences of a transaction or act.
- xiii) The mutation serves only as an official record and, if illegally approved, does not affect title; therefore, Article 95 is inapplicable.
- xiv) See above analysis No.xiv).
- xv) A declaratory suit seeking title to property represents a subsisting right.
- xvi) The right to file declaratory suit persists as long as the claimant holds rights to the disputed property.
- xvii) The right to sue arises when property rights are denied, challenged, or clearly threatened.
- xviii) New cause of action arises with each successive denial of claimant's rights.

8. Supreme Court of Pakistan
Muhammad Aslam v. The State
Criminal Appeal No.77 of 2023
Mr. Justice Athar Minallah, Mr. Justice Irfan Saadat Khan, Mr. Justice Malik Shahzad Ahmad Khan
https://www.supremecourt.gov.pk/downloads_judgements/crl.a. 77 2023.pdf

Facts: Accused who was a relative of the complainant's wife, had been residing at the complainant's house for three days before the occurrence. On the date of occurrence, the complainant and two witnesses found the accused attacking the complainant's two sons with a wooden cricket bat and scissors, resulting in their deaths. The accused allegedly fled the scene with the murder weapons. The accused was later arrested, and a blood-stained bat and scissors were recovered. The trial court convicted the accused under Section 302(b) PPC, sentencing him to death twice and imposing compensation. The Hon'ble High Court upheld the conviction. The accused challenged these decisions in the present appeal, claiming false implication due to familial enmity and lack of credible evidence.

Issues:

- i) Whether the accused is entitled to the benefit of doubt due to material inconsistencies and uncertainties in the prosecution's case?
- ii) Whether recovery of the weapon of offence alone can form the basis for conviction of the accused when the substantive evidence is doubtful or disbelieved?

Analysis: i) It is a settled proposition of law that in matters where the prosecution case contains doubts and mysteries, then in such situation the benefit of the same has to be given to the accused, who is considered to be the favorite child of the law.
 ii) The recovery of a weapon of offence is "only a corroborative piece of evidence; and in absence of substantive evidence, it is not considered sufficient to hold the accused person guilty of the offence charged. When substantive evidence fails to connect the accused person with the commission of offence or is disbelieved, corroborative evidence is of no help to the prosecution as the corroborative evidence cannot by itself prove the prosecution case."

Conclusion: i) In matters where the prosecution case contains doubts then in such situation the benefit of the same has to be given to the accused.
 ii) Recovery of a weapon of offence is only a corroborative piece of evidence; in absence of substantive evidence, it is not considered sufficient to hold the accused person guilty of the offence charged.

9. Supreme Court of Pakistan
Muhammad Ashraf v. The State
Criminal Appeal No.188 of 2023
Mr. Justice Malik Shahzad Ahmad Khan
https://www.supremecourt.gov.pk/downloads_judgements/crl.a. 188 2023.pdf

Facts: The Sessions Court (Trial Court) convicted the appellant under section 302 (b) PPC, on the charge of murder of complainant's brother, and sentenced him to death. The appeal of the appellant was failed from the High Court. Hence the Criminal appeal was filed by the convict before the Hon'ble Supreme Court.

Issues: i) What is the effect of delay in lodging the FIR?
 ii) What is depicted from the un-natural conduct of the prosecution eye-witnesses?
 iii) What, inter alia, constitutes the contradiction between the ocular account and the medical evidence?
 iv) Whether conviction and sentence can be maintained mere on the basis of recovery of hatchet and positive FSL report, if direct evidence is disbelieved?
 v) What is the effect of doubt in criminal justice system?

Analysis: i) All the above mentioned facts show that FIR was lodged after consultation/ deliberation and there was no plausible explanation for the gross delay in lodged the FIR. The abovementioned gross delay in lodging the FIR has created doubt regarding the truthfulness of the prosecution story.
 ii) The abovementioned un-natural conduct of the prosecution eye-witnesses shows that in-fact they were not present at the spot at relevant time, hence their evidence is not worthy of reliance.

iii) According to his (Doctor) opinion, the probable time that elapsed between the injury and the death was instantaneous, whereas the time that elapsed between the death and the post-mortem examination was 9 to 10 hours, which means that the occurrence took place on 28.12.2012 at 12.00 (night) to 1.00 a.m and as such the medical evidence contradicted the ocular account of the prosecution.

iv) It is noteworthy that as we have already disbelieved the direct prosecution evidence, therefore, the conviction and sentence of the appellant cannot be maintained merely on the basis of alleged recovery of hatchet and positive FSL report.

v) It is by now well settled that if there is a single circumstance, which creates doubt in the prosecution case then the same is sufficient to acquit the accused.

- Conclusion:**
- i) Delay in lodging the FIR creates doubt regarding the truthfulness of the prosecution story.
 - ii) It depicts that they were not present at the spot at relevant time.
 - iii) See above analysis No.iii
 - iv) If direct evidence is disbelieved then the conviction and sentence cannot be maintained mere on the basis of recovery of hatchet and positive FSL report.
 - v) The doubt in prosecution case is sufficient to acquit the accused.

10. Supreme Court of Pakistan
Muhammad Azeem, etc. v. The State, etc.
Criminal Petition No.1315-L of 2022
Ms. Justice Musarrat Hilali, Mr. Justice Aqeel Ahmed Abbasi.
https://www.supremecourt.gov.pk/downloads_judgements/crl.p.1315_1_2022.pdf

Facts: The petitioners got lodged an FIR under section 302, 147 & 149 PPC against respondent No.2; Accused party also got registered cross version; After investigation, police placed the names of the petitioners in column No.2 of the report under section 173 of Cr.P.C. Trial Court did not concur with police opinion and summoned them to face the trial. This Order was assailed through Criminal Revision, which was dismissed by High Court, and the same has been impugned through instant petition.

Issues: i) Whether the Trial Court is justified in taking cognizance under Section 190 Cr.P.C. without calling the Investigating Officer or highlighting any investigation flaw?

Analysis: i) The cognizance has been taken under Section 190 Cr.P.C. by the learned Trial Court, however, without summoning the Investigating Officer or pointing out any error or illegality in the process of investigation.

Conclusion: i) See above analysis No.i)

- 11. Supreme Court of Pakistan**
Qayum Nawaz v. Gulab Khan and others
C.P.L.A.3586/2023
Ms. Justice Musarrat Hilali, Mr. Justice Aqeel Ahmed Abbasi
https://www.supremecourt.gov.pk/downloads_judgements/c.p._3586_2023.pdf

- Facts:** Petitioner challenged the sale of a piece of land through a pre-emption suit, claiming lawful performance of Talabs; another person also filed a separate pre-emption suit for the same property, leading to consolidation of both suits, with the petitioner treated as a rival pre-emptor; Trial Court dismissed both suits, and subsequent appeals by the petitioner were also dismissed by the appellate and revisional courts; petitioner has filed a civil petition for leave to appeal against judgment of High court in revision petition.
- Issues:** i) Whether service of Talb-e-Ishhad notice without proof of delivery satisfies Section 13(3) of the KPK Pre-emption Act, 1987?
 ii) Whether the bar under Section 19 and the waiver under Section 15 of the Khyber Pakhtunkhwa Pre-emption Act, 1987 apply to pre-emption claims due to the pre-emptor's omission?
- Analysis:** i) According to Section 13(3) of the Khyber Pakhtunkhwa Pre-emption Act, 1987, the pre-emptor is required, after making Talb-i-Muwathibat to make Talb-e-Ishhad soon thereafter not later than two weeks from the date of knowledge, by sending a notice in writing attested by two truthful witnesses, under registered cover acknowledgement due, to the vendee, confirming his intention to exercise the right of pre-emption, whereas, merely sending a notice in writing without establishing that such notice has been duly served under registered cover acknowledgement due upon the vendee does not meet the requirements of law.
 ii) In terms of Section 19 of the Khyber Pakhtunkhwa Pre-emption Act, 1987, the bar on such like pre-emption cases is also attracted in the instant case. Such an omission otherwise constitutes waiver on the part of pre-emptor to pre-empt the sale in view of the provisions of Section 15 of the Khyber Pakhtunkhwa Pre-emption Act, 1987.
- Conclusion:** i) Merely sending a notice in writing without establishing that such notice has been duly served under registered cover acknowledgement due upon the vendee does not meet the requirements of law.
 ii) See analysis No. ii.

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- 12. Supreme Court of Pakistan**
Senior Member Board of Revenue, Punjab, Lahore, etc. v. Abdul Shakoor (deceased) through his L.Rs.
C.P.L.A.No.1718-L of 2015
Justice Shahid Bilal Hassan, Justice Aamer Farooq
https://www.supremecourt.gov.pk/downloads_judgements/c.p._1718_1_2015.pdf

Facts: The order of the Senior Member was assailed before the High Court in its writ jurisdiction which was found to be outside of the Senior Member's jurisdiction. High Court in its order (Impugned Order) reasoned that the Senior Member exercised the power of review suo motu i.e. without an application for review moved by an aggrieved party, which power was never vested in the Senior Member in terms of Section 8 of the Board of Revenue Act, 1957. The petitioner(s) have filed the instant petition seeking indulgence of this Court while granting leave to appeal against the said order.

Issues:

- i) How Board of Revenue can exercise power of review under section 8 of the Board of Revenue Act, 1957?
- ii) Whether the Member of Board of Revenue can exercise power of review Suo Motu?
- iii) Whether a judicial order can be set aside through administrative order?

Analysis:

- i) It is observed that power to review in revenue jurisdiction is vested in the Board of Revenue under Section 8 of the Act on a very limited score, at the motion of "any aggrieved person" within a period of 90 days from the date of decree or order, as the case may be, on the ground(s) inter alia, 1) On the discovery of new and important matter or evidence, which despite due diligence, was not within the knowledge of review petitioner or could not be produced by him at the time when the decree or order was passed or made, 2) On account of some mistake or error apparent on the face of the record and lastly 3) for any other sufficient reasons. The Board may, after due notice to the parties affected and after hearing them, pass such decree or order as the circumstances of the case require.
- ii) Suo motu power to review does not vest in the Board of Revenue.² The Punjab Board of Revenue Act, 1957 does not permit exercise of any suo motu review jurisdiction.⁴ Therefore, purported exercise of jurisdiction thereunder by the Member (Colonies), Board of Revenue was ex facie without lawful authority.
- iii) The review proceedings by Senior Member were initiated on the administrative side in respect of an order which was passed on the judicial side by Member (Judicial-II). There is no cavil with the proposition that a judicial order is not liable to be set aside through an administrative order. This Court in Commissioner of Income Tax East Pakistan⁷ and Chuttan⁸ has laid down that the power exercised on the judicial side cannot be set at naught through exercising the power on the administrative side, even more so, when the order on the judicial side had attained finality. It is true that the Board of Revenue acts in a dual capacity. On the administrative side, it controls the consolidation proceedings and on the judicial side it deals with disputes arising out of it. But once a dispute has been decided on the judicial side, the exercise of executive authority to nullify the effect of judicial decisions would be an improper exercise of authority. Nullifying the effect of judicial decisions even by legislative process has never received universal backing, although it is not unknown to our system of law. Examples of

this can be found in our legislative history nevertheless revoking of a judicial decision by an administrative process is certainly something new and cannot be approved of.

- Conclusion:**
- i) See analysis Para No.i
 - ii) Suo motu power to review does not vest in the Board of Revenue
 - iii) See analysis Para No.iii.

- 13. Supreme Court of Pakistan**
Muhammad Ashraf and others v. Muhammad Khan and others
C.P.L.A.No.2270-L of 2016
Mr. Justice Shahid Bilal Hassan, Mr. Justice Aamer Farooq
https://www.supremecourt.gov.pk/downloads_judgements/c.p. 2270_1_2016.pdf
- Facts:** The petitioners instituted a suit for declaration with consequential relief against the respondents, alleging unlawful attempts by the respondents to usurp the suit property which was dismissed after trial. On appeal, during its pendency, they sought withdrawal of the suit to file afresh citing a formal defect. The appellate court allowed it, but the High Court set aside the permission on revision.
- Issues:**
- i) What legally constitutes a ‘formal defect’ justifying withdrawal of a suit with liberty to file afresh?
 - ii) What is the nature of the plaintiff’s right under Order XXIII Rule 1 CPC and its limitation under Rule 2?
 - iii) What conditions must be satisfied for the court to permit withdrawal of a suit with liberty to file afresh?
 - iv) Can a judgment or decree be nullified merely by withdrawing the suit without setting it aside through a formal order?
- Analysis:**
- i) However, in the present case, when the contents of application filed by the petitioner(s) are gone through, it appears and divulges that they could not refer to any ‘formal defect’ which could be: misdescription of parties, incorrect valuation, procedural errors or technical defects, which do not affect the merits of the case and if such defects go to the root of the case,
 - ii) This proposition has been pondered upon and responded to by this Court in judgment¹ rendered by a Two Member(s) Bench, (...)sub-rule 2 (a)(b) is/are a kind of an exception to the sub-rules (1) and (3), in that, where a plaintiff wants to file a fresh suit after the withdrawal of his pending suit on the basis of the same cause of action about the same subject matter and the same defendant(s), he shall then be obliged to seek the permission of the Court in that regard; however such permission shall not be granted as a matter of right or as a matter of course/routine, rather the judicial conscious of the Court should be satisfied that, if the permission is not given the said suit shall fail on account of any formal defect,
 - iii) a Three Member Bench of this Court after considering and making a detailed analysis of the law on the subject has held: (...) It is a condition precedent for

exercise of this power that the Court in order to grant such concession must be satisfied that the suit was likely to fail due to some formal defect or there are sufficient grounds for the exercise of the same. The defects should not go to the root of the case. It comes within the ambit of discretionary power, if aforementioned either of two conditions i.e. the formal defect or sufficient grounds are demonstrated and the Court is satisfied for the same.

iv) the same was responded to after pondering upon and discussing law and precedents as under: ‘Furthermore, if the parties are allowed to do away with the judgments rendered against them by simple withdrawal of the suit without making formal order respecting setting aside of the decree of the subordinate Courts, it would give impetus to the adventurer who would enter the arena of litigation and having failed before all the forums ultimately withdraws the suit which would tantamount to completely frustrating the concept of justice. The, judgments or decrees in such-like cases as the present one can only be set aside on merits.

- Conclusion:** i) See analysis No.i.
 ii) Refiling a suit after withdrawal is not an automatic right; it requires court permission based on a genuine formal defect, not as a matter of routine.
 iii) The court’s discretion to allow withdrawal depends on the presence of a formal defect or sufficient grounds that do not undermine the merits of the case.
 iv) A judgment or decree cannot be undone simply by withdrawing the suit; it must be formally set aside on legal and substantive grounds to avoid misuse of process.

14. Supreme Court of Pakistan
Altaf Hussain v. The State
Criminal Petition No.876/2022
Mr. Justice Muhammad Hashim Khan Kakar, Mr. Justice Ishtiaq Ibrahim
https://www.supremecourt.gov.pk/downloads_judgements/crl.p.876.2022.pdf

Facts: During a routine patrol, authorities discovered a trawler engaged in illegal fishing using prohibited wire nets within restricted waters. The accused fishermen operating the vessel were apprehended, while the proprietor of the trawler claimed ignorance of its unlawful use and contested the confiscation of his property. The High court ordered the confiscation of the trawler in the criminal case registered for illegal fishing activities. Hence; this criminal petition.

Issues: i) Whether the proprietor of a vessel can escape liability by pleading ignorance of the vessel’s involvement in illegal activities?
 ii) What is the application of the principle of constructive knowledge in cases involving proprietors of vessels used for illegal purposes?
 iii) Can a proprietor benefit from illegal activities conducted through their property without bearing corresponding responsibility?

Analysis: i) Despite the petitioner's assertion of ignorance, the overwhelming evidence of illicit fishing on his vessel is insufficient to absolve him of liability. Even if the

petitioner does not possess actual knowledge of certain facts or information, he is presumed to be aware of them as the proprietor of the trawler. This presumption is based on the fact that the information was reasonably accessible to him and that he should have been aware of the facts in light of his position, duty, and circumstances.

ii) Constructive knowledge is a critical legal principle that guarantees accountability by assuming knowledge in situations where it is reasonable to anticipate awareness. It also prevents individuals and organizations from evading liability by claiming ignorance when they had the ability and obligation to be aware of the pertinent information.

iii) The legal maxim 'Qui sentit commodum, debet et sentire onus' translates to 'He who derives a benefit ought also to bear a burden.' The petitioner, as the proprietor of the trawler, profits from the fishing activities that are conducted on it. Consequently, he is obligated to assume some responsibility for its use beyond legal channels.

- Conclusion:**
- i) Proprietors are presumed aware of unlawful use of their property despite claimed ignorance.
 - ii) Constructive knowledge prevents evasion of liability through ignorance.
 - iii) Benefit from property imposes responsibility for its misuse.

15. Supreme Court of Pakistan
Muhammad Abras v. The State
Criminal Appeal No. 655 of 2020
Mr. Justice Muhammad Hashim Khan Kakar, Mr. Justice Shafi Siddiqui, Mr. Justice Ishtiaq Ibrahim
https://www.supremecourt.gov.pk/downloads_judgements/crl.a. 655 2020.pdf

Facts: The appellant was convicted by the Trial Court and was sentenced to death and ordered to pay compensation to the legal heirs of the deceased or in default whereof to further undergo S.I. for six months. He was also convicted under section 324 PPC for committing murderous assault and injuring and sentenced to 10 years R.I. The appellant challenged his convictions and sentences before the Islamabad High Court through an appeal which was dismissed; however, his sentence of death was converted into imprisonment for life. Hence, the present appeal was filed.

Issues:

- i) Can a witness whose statement under Section 161 Cr.P.C. was never recorded and who appeared in court for the first time months after the incident be treated as a credible eyewitness?
- ii) Does the presence of an injury on a witness automatically render their testimony credible and trustworthy?

Analysis: i) In this case, PW-2, the prosecution's star witness and an injured party, did not have his statement recorded under section 161 Cr.P.C, and his initial appearance before the court undoubtedly astonished the appellant. Prolonged silence

regarding the issue is adequate to invalidate the entire evidence, as his behavior was exceedingly irregular. Given the unusual circumstances of the case, the Trial Court had no alternative but to regard the witness's account as absolute truth, as it was not challenged by his prior statement. This has undoubtedly resulted in prejudice against the appellant, who was unable to confront the witness regarding the omissions and improvements made during his testimony in court.

ii) It is settled law that injuries of P.W are only indication of his presence at the spot but are not affirmative of his credibility and truth. It is indisputable that witness's/ PW presence as an injured party at the scene cannot be questioned. However, the veracity of his account, as presented to the court, must be assessed within the context of the surrounding facts and circumstances of the case. Injuries do not inherently grant access to the truth and, therefore, a narrative must resonate with authenticity to warrant trust.

Conclusion: i) Failure to record the statement of a crucial eyewitness under Section 161 Cr.P.C. without explanation creates procedural irregularity, prejudices the accused, and undermines the credibility of that testimony.
ii) Injuries on a witness are only indicative of presence at the crime scene; they do not guarantee the credibility or truth of the testimony.

16. Supreme Court of Pakistan
Ndukwe Udoaka Peter v. The State and another
Criminal Petition. No. 239/2025
Mr. Justice Muhammad Hashim Khan Kakar, Mr. Justice Ishtiaq Ibrahim
https://www.supremecourt.gov.pk/downloads_judgements/crl.p. 239 2025.pdf

Facts: The petitioner was arrested pursuant to spy information for alleged possession of heroin; however, the recovery was made without independent witnesses or video evidence, and the petitioner alleged false implication and prior harassment, leading to a bail application that was dismissed by the High Court and challenged before the Supreme Court.

Issues: i) Whether absence of independent witnesses and video evidence in a narcotics case warrants judicial scrutiny for the purpose of bail?
ii) Whether allegations of false implication, procedural irregularities, and recovery of non-commercial quantity without neutral witnesses justify further investigation and grant of bail?

Analysis: i) Our findings indicate that, despite the existence of spy information, no independent witness was present to witness the purported recovery and no video was produced to substantiate the allegation of the narcotics being recovered from the petitioner's possession. (...) This case warrants judicial scrutiny for the purpose of determining bail due to its distinctive facts and circumstances.
ii) The petitioner's consistent allegations of false implication, alleged prior harassment, confiscation of CCTV evidence, absence of independent witnesses

and the prompt filing of complaints before senior police officials suggest that this is a case that warrants further investigation. Moreover, the quantity recovered, although substantial, does not reach commercial levels and was not conducted in the presence of neutral witnesses or substantiated by any video evidence.

Conclusion: i) Absence of independent witnesses and video evidence warrants judicial scrutiny for bail consideration.
ii) Allegations of false implication, procedural irregularities, and recovery of non-commercial quantity without neutral witnesses justify further investigation and grant of bail.

17. Supreme Court of Pakistan
Ghulam Mustafa v. The State
Criminal Appeal No. 23/2020
Mr. Justice Muhammad Hashim Khan Kakar, Mr. Justice Muhammad Shafi Siddiqui, Mr. Justice Ishtiaq Ibrahim
https://www.supremecourt.gov.pk/downloads_judgements/crl.a. 23_2020.pdf

Facts: FIR was registered against the appellant and 12 others under section 302,324,337,452,148,149 PPC. The appellant was convicted and sentenced to death along with order to pay compensation to legal heirs of the deceased while remaining accused were acquitted. Against conviction he preferred appeal before High court which got dismissed and hence appeal before Supreme Court of Pakistan.

Issues: i) If some of the accused are acquitted, can same set of evidence be used for conviction of one of the accused?
ii) Can an accused be convicted on the basis of evidence not put to him during his statement recorded u/s 342 Cr.P.C?

Analysis: i) The upsetting part of the ocular account is that on the basis of same statements made by the eyewitnesses, co-accused... had been acquitted by the courts below despite the fact that the abovementioned eyewitnesses had tarnished the said co-accused with the same brush. When 12 co-accused attributed the role of causing injuries to the deceased and other members of the complainant party had been acquitted in this case, it was incumbent upon the courts below to look for independent corroboration to the ocular account before convicting and sentencing the present appellant.
ii) The appellant was allegedly armed with 'Sota' at the time of occurrence and caused injury on the skull of the deceased with the said 'Sota' and the same had also been recovered from his possession but it is astonishing and disturbing to observe that the appellant was not confronted with the said piece of evidence at the time of recording his statement under section 342 Cr.P.C... The law is settled by now that if a piece of evidence or a circumstance is not put to an accused person at the time of recording his statement under section 342 Cr.P.C. then the

same cannot be considered against him for the purpose of recording his conviction.

- Conclusion:** i) Co-accused cannot be convicted on the basis of same set of evidence without independent corroboration.
 ii) Evidence not put to an accused person at the time of recording statement under section 342 Cr.P.C cannot be considered against him for the purpose of recording his conviction.

18. Supreme Court of Pakistan
Muhammad Miskeen v. The state
Criminal Appeal No.78/2023
Ms. Justice Musarrat Hilali, Mr. Justice Muhammad Hashim Khan
Kakar, Mr. Justice Ishtiaq Ibrahim
https://www.supremecourt.gov.pk/downloads_judgements/crl.a. 78 2023.pdf

Facts: The appellant allegedly murdered two persons, in the backdrop of a domestic dispute sometime prior to the present occurrence. The appellant was convicted by the trial court on two counts of an offence under section 302(b) PPC and was sentenced to death on each count and to pay compensation besides having been convicted and sentenced for offence under section 324 PPC. The conviction was challenged before Islamabad High Court but sentence recorder by the trial court was upheld. The appellant took the plea that he was under the influence of his father, hence this appeal.

Issue: i) Who may take a plea to commit an offence under the influence of an elder including father?

Analysis: i) The principle of influence of elders is limited to offenders of impressionable ages who are living under the influence of elders. Therefore, an accuse of mature age and comprehension cannot be considered to have acted on instigation. Under the guise of elders, including father, no universal authority could be granted to adult and elderly individuals to commit brutal, gruesome and wanton murder.

Conclusion: i) See above analysis No. i

19. Supreme Court of Pakistan
M/s Payoneer Inc., through its authorized officer. v. Federation of Pakistan through Secretary, Revenue Division, M/o Finance, Govt. of Pakistan, Islamabad and others.
Civil Petition No. 4177 of 2024
Mr. Justice Yahya Afridi, Mr. Justice Muhammad Shafi Siddiqui, Mr. Justice Shakeel Ahmad
https://www.supremecourt.gov.pk/downloads_judgements/c.p. 4177 2024.pdf

Facts: Notices for tax years 2019-20 under section 114(4) of the Income Tax Ordinance,

2001 (ITO) were served upon the petitioner for furnishing return of the income tax under sub-section (1) of section 114 of the ITO. The petitioner invoked the jurisdiction of the Islamabad High Court instead making compliance of the above and filed Writ Petition, which was dismissed, hence this petition for leave to appeal.

Issues:

- i) Whether the petitioner should have first availed remedies available under the ITO before approaching the High Court under Article 199 of the Constitution?
- ii) Can a party directly approach the Supreme Court without first filing an Intra-Court Appeal (ICA) against a High Court's single-judge decision?

Analysis:

- i) The questions remain if a better and statutory recourse is not available to avail the alternate writ jurisdiction. The simple answer is that such statutory recourse is available under ITO which has provided forums to resolve the raised questions. Thus issuance of a show-cause notice cannot be equated to be one without jurisdiction hence the High Court was right in not exercising writ jurisdiction and left it to the petitioner to exhaust its remedy under the hierarchy of ITO.
- ii) We have also noticed that the impugned judgment of the learned single Judge of the High Court in Writ Petition is directly assailed before this Court in the aforesaid petition without exhausting the remedy of an Intra Court Appeal. Only under exceptional circumstances, to be adjudged by this Court, such indulgence could be extended which does not exist in the case.

Conclusion:

- i) The petitioner should have first availed remedies available under the ITO before approaching the High Court under Article 199 of the Constitution.
- ii) See analysis ii above.

20. Supreme Court of Pakistan
The intelligence Officer, Directorate of Intelligence & Investigation, FBR and others v. Abdul Karim.
Civil Appeals No. 1088, 1231 TO 1236/13
Mr. Justice Yahya Afridi, CJ, Mr. Justice Irfan Saadat Khan & Mr. Justice Muhammad Shafi Siddiqui
https://www.supremecourt.gov.pk/downloads_judgements/c.a._1088_2013.pdf

Facts: The appellant department (Customs Authorities) detained/seized the vehicles of the respondents on the charges of smuggling. In number of Reference Applications, in reference jurisdiction, The High Court released the vehicles to the respondents. Hence the appellants (departments) filed 23 Civil Appeals separately before the Hon'ble Supreme Court.

Issues:

- i) How the goods/vehicles can be considered as smuggled?
- ii) Whether the vehicles brought into Pakistan before 14.09.1998 can be considered a smuggled vehicle?

- iii) Whether a person, retaining the possession of vehicle under valid registration, can plead a “lawful excuse” for not showing the record of import of vehicle beyond a certain period?
- iv) When the defence of “lawful excuse” become infeasible?
- v) What can be presumed if the vehicle stands registered?
- vi) What presumption is attached to a verified registration book and official record, especially in favour of ultimate bonafide purchaser?
- vii) How the lawful authority is distinct from the lawful excuse?
- viii) Whether the principle of lawful excuse is applicable in case of tampered vehicle?
- ix) In seizing or confiscation process of a vehicle, what would mean the proper procedure?

Analysis:

- i) In terms of Section 2(s) read with the applicable notification thereunder it seems that vehicles can be considered smuggled if either (i) at the relevant time, the applicable notification in terms of Section 2(s)(ii) included vehicles, or (ii) in terms of Section 2(s)(iii) the vehicles were brought in by any route other than a route declared under Section 9 or Section 10 or from any place other than the customs station.
- ii) Any vehicle brought into Pakistan before 14.09.1998 could only be considered a smuggled vehicle if it is established that it was brought into Pakistan through a route other than the routes permissible under Section 2(s)(iii).
- iii) For the amended SRO’s effect, (wherein vehicles were included), the record of import is required to be kept in terms of Section 211(2) for a period of five years (“five” was substituted for the word “three” by the Finance Act, 2007). If the auction of the vehicle took place more than 3 years ago for cases prior to the Finance Act, 2007 and 5 years for cases thereafter, there would appear to be a “lawful excuse” to the person (retaining the possession of vehicle under valid registration), who is accused of an offence under Section 156(89) or (90) (for not showing required import documents), unless it can be demonstrated that he was told or knew that duties and taxes were not paid and the same were required to be paid.
- iv) In cases of registered vehicles, if at the time the vehicle being intercepted, more than 3 years have elapsed for cases prior to the Finance Act, 2007 and 5 years for cases thereafter, the defence of “lawful excuse” appears to be infeasible.
- v) This is also because it is reasonable to assume that if a vehicle stands registered, the government is presumed to have exercised due care and diligence with respect to its obligation to see whatever duties and taxes as payable to the government before a vehicle can be registered, stand paid. It must also be noted that the vehicles being registered, which registration was duly verified, is presumed to have been brought lawfully; after completion of notified period in case of used vehicles also.

vi) In most of the cases since first registration, the vehicles changed many owners on the strength of registration book and no adverse inference could be drawn for the ultimate bonafide owners unless otherwise proved contrary by appellant, in which exercise the appellant department has failed below. The verified registration book and official record is enough for bonafide presumption that a valid title exist. The Motor Vehicle Ordinance, 1965 provides the mechanism for registration of motor vehicles in terms of its sections from 23 to 43. Section 27 of *ibid* law even provides the production of the vehicle at the time of registration and if the registration of a vehicle passes through this statutory process conducted by officials responsible under M.V.O 1965, then presumption of truthfulness is eminent.

vii) The defence of lawful excuse may be sufficiently proved although no lawful authority exists for doing what is charged against the accused. Lawful excuse is an expression that is of wider import and lesser degree of burden than lawful authority. It follows from this that proving a lawful excuse, which falls short of lawful authority, it is the excuse put forward by the accused, rather than handling smuggled goods, that must be shown to be lawful.

viii) This principle however is distinguished for the case where vehicles were found with tampered chassis and engine numbers. If this is seemingly done to match the statistics of original vehicles auctioned or brought into Pakistan officially having different chassis/engine number, the lawful excuse may not be applicable in case of tampered vehicle.(---) However, where it is established that the chassis/engine numbers have been tampered with after auction or registration to match the description of the auctioned or registered vehicle, the lawful excuse is not available.

ix) Suffice to say that applying right procedure on wrong person and at the wrong time would not serve any purpose, rather is an abuse of process of law and such actions would be of no help for the department to take corrective measure to curb the smuggling. Such actions ought to have been taken at the time when vehicles were being registered.

Conclusion: i) See above analysis No.i

ii) The vehicle which was brought into Pakistan through a route other than the routes permissible under Section 2(s)(iii) can be considered a smuggled one.

iii) A person, retaining the possession of vehicle under valid registration, can plead a “lawful excuse” for not showing the record of import of vehicle if auction took place more than 3/5 years ago.

iv) if at the time the vehicle being intercepted, more than 3 years have elapsed for cases prior to the Finance Act, 2007 and 5 years for cases thereafter, the defence of "lawful excuse" becomes infeasible.

v) See above analysis No.v

vi) See above analysis No.vi

vii) See above analysis No.vii

viii) Principle of lawful excuse is not applicable in case of tampered vehicle.

ix) See above analysis No.ix

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- 21. Supreme Court of Pakistan**
Muhammad Akhtar Hussain Pirzada v. Medical Superintendent, THQ Hospital Lodhran and others
C.P.L.A.3984/2024
Mr. Justice Yahya Afridi, CJ, Mr. Justice Muhammad Shafi Siddiqui, Mr. Justice Shakeel Ahmad
https://www.supremecourt.gov.pk/downloads_judgements/c.p. 3984 2024.pdf

- Facts:** The petitioner filed a Constitution Petition before the High Court, seeking issuance of directions to the Medical Superintendent, DHQ Hospital, to decide his application, pending before him for the constitution of Medical Board to conduct DNA Test of the petitioner, as well as respondents No.4 and 5 to ascertain as to whether the minor is his daughter or not. After providing right of audience to the learned counsel for the parties, the petition was dismissed. Dissatisfied with the same, the petitioner filed Intra Court Appeal, which was dismissed in limine. Hence this petition.
- Issues:** i) Can the ex-parte judgment and decree nullify the earlier judgment passed by a court of competent jurisdiction?
- Analysis:** i) The ex-parte judgment and decree relied upon by the learned counsel for the petitioner being subsequent to the judgment in family suit referred to above, in our view, cannot nullify the earlier judgment, passed by the court of competent jurisdiction, establishing the legitimacy of the minor.
- Conclusion:** i) It cannot nullify the earlier judgment, passed by the court of competent jurisdiction.

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- 22. Supreme Court of Pakistan**
Imtiaz Hussain Shah alias Tajjay Shah in/Cr.A. N0.201-L/2020) Muhammad Akram Bhatti in (Cr.A. No.202-L/2020) v. The State etc
Crl. Appeal No.201-L Of 2020, Crl.Appeal No.202-L Of 2020 and Crl. PLA No.596-L/2016
Mr. Justice Muhammad Hashim Khan Kakar, Mr. Justice Muhammad Shafi Siddiqui, Mr. Justice Ishtiaq Ibrahim
https://www.supremecourt.gov.pk/downloads_judgements/crl.a. 201_1_2020.pdf

- Facts:** The facts of the case are a night time shooting resulting in death, allegedly witnessed by relatives of the deceased who were not local residents. The trial court convicted the accused and sentenced them to death, while the High Court upheld the conviction but reduced the sentence to life imprisonment.
- Issues:** i) Whether the presence of the alleged eyewitnesses at the crime scene is credible in light of their unnatural conduct, failure to identify the dead body, and the inordinate delay in the post mortem examination?

- ii) Whether adverse inference can be drawn from the prosecution's failure to produce a material witness?
- iii) What is the legal effect of absence of a source of light in night-time incidents regarding the identification of accused persons?
- iv) What is the inference of law in cases where there is inordinate and unexplained delay in conducting the post mortem of the deceased?
- v) Can the benefit of doubt be given to the accused even on the basis of a single circumstance creating reasonable doubt?

Analysis:

- i) It seems quite improbable that the appellants were waiting for the arrival of the alleged eyewitnesses to reach the spot and then to initiate the occurrence so that they stood eyewitnesses against them. The inordinate delay in post mortem examination of the deceased coupled with the fact that none of the eyewitnesses is the identifier of the dead body of the deceased as well as their unnatural conduct like silent spectators at the time of occurrence are the strong circumstances which make their presence at the spot highly doubtful.
- ii) Under article 129 (g) of the Qanun-e-Shahadat Order, 1984, an adverse inference can be drawn that if he had testified, his statement would not have supported the prosecution's case.
- iii) This Court has repeatedly held that in the absence of the source of light having been mentioned in the FIR and recovery of such source, the identification of the accused becomes questionable.
- iv) In such eventuality the most natural inference would be that the delay so caused was for preliminary investigation and prior consultation to nominate the accused and plant eyewitnesses of the occurrence.
- v) It is settled principle of law that for giving the benefit of the doubt it is not necessary that there should be multiple circumstances rather a single circumstance creating reasonable doubt in a prudent mind is sufficient for extending its benefit to an accused.

Conclusion:

- i) See analysis No.i.
- ii) An adverse inference can be drawn in case of failure of prosecution to produce material witness.
- iii) Identification of the accused becomes questionable in the absence of source of light.
- iv) See analysis No.iv.
- v) A single circumstance creating reasonable doubt is sufficient for extending its benefit to an accused.

23.

Supreme Court of Pakistan

Mudassar Khursheed v. The State and another.

Crl.P.L.A. NO.255-L/2025

Mr. Justice Muhammad Hashim Khan Kakar, Mr. Justice Ishtiaq Ibrahim

https://www.supremecourt.gov.pk/downloads_judgements/crl.p._255_1_2025.pdf

- Facts:** Through the instant petition under Article 183(3) of the Constitution of Islamic Republic of Pakistan, 1973, petitioner seeks leave to appeal against the order passed by High Court, whereby he was refused anticipatory bail in a criminal case registered against him for the offences under Sections 452, 354, 148, 149 PPC.
- Issues:**
- i) What is the legal position of regarding the bail of an accused whose role is at par with that of a co-accused who has already been admitted to bail?
 - ii) What is the principle of bail in the offences fall within non-prohibitory clause of Section 497 Cr.P.C.?
 - iii) If an accused is entitled to post-arrest bail, can his pre-arrest bail be cancelled?
- Analysis:**
- i) On the rule of consistency the petitioner was also entitled to be treated at par with his co-accused.
 - ii) offence under section 354 PPC is bailable whereas punishments of the offences under sections 452, 148 and 149 PPC do not falls within the Prohibitory Clause of Section 497 Cr.P.C. and in such like cases grant of bail is a rule and refusal thereof an exception.
 - iii) It is well settled principle of law that once court reaches at the conclusion that in case of dismissal of pre-arrest bail the accused would become entitle for post arrest bail, then it would be a mere futile exercise to send the accused to prison.
- Conclusion:**
- i) Rule of consistency furnish a ground for bail.
 - ii) Bail, in cases of non-prohibitory clause, is a rule and refusal is an exception.
 - iii) See above analysis No. iii.

24. Supreme Court of Pakistan
Muhammad Yamin etc. v. The State
Civil Petitions No.220-K to 442-K of 2025
Mr. Justice Muhammad Hashim Khan Kakar, Mr. Justice Muhammad Shafi Siddiqui, Mr. Justice Ishtiaq Ibrahim
https://www.supremecourt.gov.pk/downloads_judgements/j.p. 621 2017.pdf

- Facts:** The petitioners were convicted for abduction and ransom and sentenced by the Anti-Terrorism Court, which was later upheld by the Lahore High Court. The case revolves around the applicability of Section 7(e) of the Anti-Terrorism Act, 1997, alongside Section 365-A PPC.
- Issues:**
- i) Whether the jurisdiction of the Anti-Terrorism Court extends to trying heinous offences that do not constitute terrorism under Section 6 of the Anti-Terrorism Act, 1997?
 - ii) Whether the conviction under Section 365-A PPC remains valid despite setting aside the conviction under Section 7(e) of the Anti-Terrorism Act, 1997?
 - iii) Whether heinous offences not amounting to terrorism but specified in the Third Schedule are triable by an Anti-Terrorism Court?
- Analysis:**
- i) In Ghulam Hussain's case (supra), this Court after thorough discussion arrived

at the conclusion that reading of the Third Schedule of the Act of 1997 shows that an Anti-Terrorism Court has been conferred jurisdiction not only to try all those offences which attract the definition of terrorism provided by the Act of 1997 but also some other specified cases involving heinous offences which do not fall in the definition of terrorism... It is also clarified that in such cases of heinous offences mentioned in entry No. 4 of the said Schedule an Anti-Terrorism Court can pass a punishment for the said offence and not for committing the offence of terrorism.

ii) It may be pertinent to mention here that the offence of abduction or kidnapping for ransom under section 365-A, PPC is included in entry No. 4 of the Third Schedule and kidnapping for ransom is also one of the actions specified in section 7(e) of the Anti-Terrorism Act, 1997... In the former case the convicted person is to be convicted and sentenced only for the offence under section 365-A, PPC whereas in the latter case the convicted person is to be convicted both for the offence under section 365-A, PPC as well as for the offence under section 7(e) of the Anti-Terrorism Act, 1997.

iii) It is clarified by this Court that such specified heinous offences are only to be tried by Anti-Terrorism Court and that court can punish the person committing such specified heinous offences only for commission of those offences and not for committing terrorism because such offences do not constitute terrorism... For the purposes of further clarity on this issue it is explained for the benefit of all concerned that the cases of the offences specified in entry No. 4 of the Third Schedule to the Anti-Terrorism Act, 1997 are cases of those heinous offences which do not per se constitute the offence of terrorism but such cases are to be tried by an Anti-Terrorism Court because of their inclusion in the Third Schedule.

- Conclusion:**
- i) Yes, the Anti-Terrorism Court's jurisdiction extends to trying heinous offences even if they do not constitute terrorism under Section 6 of the Act.
 - ii). Yes, the conviction under Section 365-A PPC remains valid despite setting aside the conviction under Section 7(e) of the Anti-Terrorism Act, 1997.
 - iii) Yes, heinous offences specified in the Third Schedule are triable by the Anti-Terrorism Court even if they do not constitute terrorism.

25. Supreme Court of Pakistan
Manzar Abbas v. The State.
Criminal Appeal No. 438 of 2023
Ali Afzal @ Machhi v. The State.
Criminal Appeal No. 439 of 2023
Mr. Justice Muhammad Hashim Khan Kakar, Mr. Justice Muhammad Shafi Siddiqui, Mr. Justice Ishtiaq Ibrahim
https://www.supremecourt.gov.pk/downloads_judgements/crl.a. 438_2023.pdf

Facts: Prosecution alleged that the appellants, armed with firearms, entered the house of the deceased, opened fire, causing his death on the spot. The incident was reportedly witnessed by close relatives of the deceased, who claimed to be present

at the time. However, these witnesses lived at a considerable distance from the crime scene and provided no independent corroboration of their presence. The FIR was lodged after an unexplained delay, followed by a further delay in conducting the post mortem examination. The appellants were convicted by the trial and appellate courts, but these findings were challenged in the Apex Supreme Court due to material contradictions, unexplained delays, and credibility concerns regarding the prosecution's version.

- Issues:**
- i) What is the legal effect of an unexplained delay in the lodging of an FIR on the credibility of the prosecution's case?
 - ii) What inference can be drawn in case of delay in conducting postmortem examination?
 - iii) Can non-production of a cited prosecution witness lead to the presumption that his testimony would have been unfavorable to the prosecution?
 - iv) Can motive alone, being a double-edged weapon, conclusively determine the truthfulness or falsity of the prosecution's case?
 - v) Is a single reasonable doubt sufficient to extend the benefit of doubt to an accused as a matter of right?

- Analysis:**
- i) It is settled law that unexplained delay in lodging FIR creates doubt in the prosecution's case, favoring the accused. In case titled, *Mst. Asia Bibi Vs The State and others* (P L D 2019 Supreme Court 64), it has been held that in absence of any plausible explanation, delay in lodging of FIR is always considered to be fatal as it casts suspicion on the prosecution's story. In case of *Zeeshan (a), Shani v. The State* (2012 SCMR 428) this Court has observed that delay of more than one hour in lodging the FIR raises doubt about the occurrence of the incident as projected by the prosecution. Such delay often indicates that the time was consumed in constructing a coherent version of the events, which ultimately weakens the prosecution's case. This position has been reaffirmed in case titled *Muhammad Fiaz Khan v. Ajmer Khan* (2010 SCMR 105}.
 - ii) PW.6 conducted autopsy on the dead body of the deceased at 01.30 p.m. viz after a delay of 04 hours and 15 minutes if counted from the time of report. In such eventuality the most natural inference would be that the delay so caused was for preliminary investigation and prior consultation to nominate the accused and plant eyewitnesses of the occurrence.
 - iii) One of the PW has been abandoned by the prosecution as such an adverse inference within the meaning of Article 129(g) of the Qanun-eShahadat Order, 1984 would be drawn that had he been produced in the witness box he would not have supported the prosecution's version.
 - iv) Motive is a double-edged weapon, which can be used either way and by either side i.e. for real or false involvement. Reference in this regard may be made to cases of *Noor Elah Vs Zafrul Hague* (PLD 1976 SC 557), *Al,lah Bakhsh vs the State* (PLD 1978SC 171), *Khadim Hussain Vs the State* (2010 SCMR 1090),

Tahir Khan Vs the State (2011 SCMR 646), Tarig Vs the State 2017 SCMR 1672) and Muhammad Ashraf alias Acchu vs the State (2019 SCMR 652).

v) It is settled principle of law that for giving the benefit of the doubt it is not necessary that there should be so many circumstances rather a single circumstance creating reasonable doubt in a prudent mind is sufficient for extending its benefit to an accused not as a matter of concession but as of right.

- Conclusion:**
- i) Unexplained delay in lodging FIR creates doubt in the prosecution's case, such delay often indicates that the time was consumed in constructing a coherent version of the events.
 - ii) Inference would be that the delay so caused was for preliminary investigation and prior consultation to nominate the accused and plant eyewitnesses.
 - iii) Adverse inference within the meaning of Article 129(g) of the Qanun-e Shahadat Order, 1984 would be drawn that had that witness would have been produced he would not have supported the prosecution's version.
 - iv) Motive is a double-edged weapon, which can be used either way and by either side.
 - v) See above analysis No v.

26. Supreme Court of Pakistan
Muhammad Akhtar v. The State etc.
Criminal Petition No. 310 of 2025
Mr. Justice Muhammad Hashim Khan Kakar, Mr. Justice Ishtiaq Ibrahim,
Mr. Justice Ali Baqar Najafi
https://www.supremecourt.gov.pk/downloads_judgements/crl.p. 310 2025.pdf

Facts: By way of filing criminal petition filed under Article 185(3) of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner, seeks leave to appeal against the order, rendered by the Lahore High Court, Bahawalpur Bench by virtue of which the petitioner's request for pre-arrest bail was declined.

Issue: Whether pre-arrest bail should be granted when the accused is otherwise entitled to post-arrest bail in view of the nature of the alleged offence?

Analysis: Where an accused has a strong case for post-arrest bail, he ought not to be incarcerated merely to satisfy the complainant's desire to have him arrested for a few days, by denying pre-arrest bail. It is a well-settled principle of law that once the court concludes that the accused would become entitled to post arrest bail upon dismissal of his pre-arrest bail application, then requiring him to undergo incarceration would be a mere procedural formality devoid of any meaningful purpose.

Conclusion: Pre-arrest bail should be granted when the accused is otherwise entitled to post-arrest bail in view of the nature of the alleged offence.

27. **Supreme Court of Pakistan**
Munir Ahmad. v. The State
Criminal Appeal No. 80 of 2023
Mr. Justice Muhammad Hashim Khan Kakar, Mr. Justice Salahuddin Panhwar, Mr. Justice Ishtiaq Ibrahim
https://www.supremecourt.gov.pk/downloads_judgements/crl.a. 80 2023.pdf

Facts: The appellant was tried by the learned Additional Sessions Judge, for murder. He was convicted under section 302(b) of the Pakistan Penal Code and sentenced to death on two counts. The trial court referred the matter to the Lahore High Court as a Murder Reference for confirmation of the death sentence. The appellant also challenged his conviction and sentence through a criminal appeal before the Lahore High Court, which dismissed the appeal and affirmed the death sentence by answering the Murder Reference in the affirmative. The appellant then filed a criminal petition for leave to appeal before the Supreme Court of Pakistan.

Issues:

- i) Whether the testimony of closely related eyewitnesses (such as family members of the deceased) can be relied upon for conviction?
- ii) What distinguishes minor discrepancies from material discrepancies in witness testimony?
- iii) What is the legal effect when the prosecution alleges a motive but fails to prove it?
- iv) Can minor discrepancies in witness statements be considered as mitigating circumstances?

Analysis:

- i) Admittedly, the eyewitnesses are the close relatives of the deceased but it is equally true that they are on the same footing in relation with the appellant. By now it is settled law that an interested witness is one who is interested in the conviction of an accused for some ulterior motive which is not the status of the eyewitnesses in this case.
- ii) Some discrepancies not touching the core of the case are not enough to reject the evidence as a whole. It is normal conduct of the human conduct that while narrating a particular incident where may occur minor discrepancies. In the deposition of witnesses there are always normal discrepancies, however, honest and truthful they may be. Such discrepancies are due to normal errors of observation, normal errors of memory due to lapse of time etc. Material discrepancies are those which are not normal and not expected for a normal person.
- iii) It is well settled by now that once the prosecution alleges a motive and fails to prove the same during the trial; the same can be taken as a mitigating circumstance while deciding the quantum of sentence of the convict.
- iv) Minor discrepancies in the deposition of prosecution's witnesses of inconsequential nature cannot reasonably be considered as good grounds in disbelieving independent and disinterested witnesses. Such inconsistencies may create dilution of prosecution version but not its complete negation. Inconsistencies of a minor dimension in prosecution evidence throw up doubts

about prosecution version but do not qualify for acquittal.

- Conclusion:** i) In absence of any ulterior motive/animus for false implication of an accused, the confidence inspiring testimony of an eyewitness, whose presence with the deceased at the time and place of occurrence is established, cannot be discarded merely due to his relationship with the deceased.
 ii) See analysis ii above.
 iii) See analysis iii above.
 iv) Minor discrepancies in the deposition of prosecution's witnesses present merely a mitigating circumstance capable of affecting no more than quantum of sentence.

28. Supreme Court of Pakistan
Zulqarnain Haider alias Zain v. The State
Criminal Appeal No. 332/2025
Mr. Justice Muhammad Hashim Khan Kakar, Mr. Justice Ishtiaq Ibrahim
https://www.supremecourt.gov.pk/downloads_judgements/crl.p. 332 2025.pdf

Facts Petitioner approached supreme Court of Pakistan for post arrest bail in case registered under section 302,324,337-H(2),440,148,149 PPC following its dismissal from High Court.

Issues: i) What are the principles of criminal jurisprudence relating to cases involving cross-version?
 ii) In the cases of cross-version whether bail can be granted as a rule on the ground of further inquiry?

Analysis: i) The reason being that in cases involving cross-versions of the same occurrence, it is a well-settled principle of criminal jurisprudence that the prime consideration before the Court is to ascertain which party was the aggressor and which party was aggressed upon. The nature, seat, and number of injuries sustained by each side may undoubtedly be relevant; however, such factors are merely indicative and do not, by themselves, carry an overriding or conclusive effect. The mere extent of injuries caused to one party cannot serve as the sole basis for drawing an adverse inference against the other, especially where both versions emanate from the same transaction and each party attributes aggression to the other.
 ii) In cases of counter versions arising from the same incident, one given by the complainant in the F.I.R., and the other given by the opposite party, bail in appropriate cases is granted as a rule on the grounds of further inquiry for the reason that the question as to which version is correct is to be decided after the recording of pro and contra evidence during the trial, and also to ascertain which party was the aggressor and which party was aggressed upon. The refusal of bail in such cases is an exception.

Conclusion: i) See above analysis no. i

- ii) Yes, in appropriate cases bail is granted as a rule on the grounds of further inquiry.

29. Supreme Court of Pakistan
Waqas Ahmad v. The State
Mr. Justice Muhammad Hashim Khan kakar, Mr Justice Muhammad
Shafi Siddiqui, Mr. Justice Ishtiaq Ibrahim.
Jail Petition No.539 of 2017
https://www.supremecourt.gov.pk/downloads_judgements/j.p. 539 2017.pdf

Facts: The trial court convicted the petitioner under section 302(b) PPC and sentenced him to death as Ta'azir and to pay rupees two lacs as compensation to the legal heirs of the deceased in terms of Section 544-A Cr.P.C. and in default thereof to further undergo 06 months simple imprisonment vide judgment dated 11.04.2012. Benefit of Section 382-B Cr.P.C. was extended to the petitioner/convict. The Lahore High Court while answered the murder reference in negative and dismissed the criminal appeal of the petitioner/convict, maintained the conviction of under Section 302(b) PPC, however, converted his death sentence into imprisonment for life, benefit of Section 382-B Cr.P.C. was also extended to the petitioner. The jail petition while converting into appeal have been allowed.

Issue:

- i) What are the effects of unexplained delay in lodging of FIR?
- ii) What are effects of delay in conducting of post-mortem examination?
- iii) What is the evidentiary value of open mouth and eyes of the deceased and presence of rigor mortis?
- iv) What is the relevance of the conduct of an eye witness in a particular situation?
- v) What is the relevance and evidentiary value of noting of blood trail, bruise and abrasion, where the dead body of deceased has been reportedly dragged?

Analysis:

- i) It is settled law that unexplained delay in lodging FIR creates a doubt in the prosecution's case and its benefit has to be extended and construed in favour of the accused (...) in absence of any plausible explanation, delay in lodging of FIR is always considered to be fatal as it casts suspicion on the prosecution story.
- ii) Delay in conducting the postmortem examination suggests that the eyewitnesses were not present at the spot at the time of occurrence, therefore, the said time was consumed in procuring the attendance of procured eyewitnesses.
- iii) Semi open eyes and mouth of the deceased at the time of the postmortem reflects that the dead body of the deceased remained unattended at the spot. Had the complainant been present at the spot, he would have managed to close the mouth and eyes of his deceased son.
- iv) Complainant appears to be unnatural as he kept mum at the spot due to

fear like a silent spectator and did not react to rescue his son from his grandson. A father or grandfather cannot be expected to react in such a way as demonstrated by the complainant. This circumstance cast serious doubt about the presence of the complainant at the spot.

v) No blood has also been shown in the site plan or recovered by the I.O. from the said area of one acre. No scratch, bruise and abrasion have been noted by Dr. Nasir Mehmood (PW.I), who conducted autopsy on the dead body of the deceased so as to substantiate the version of complainant in respect of dragging the dead body of the deceased.

Conclusion: i) See above analysis No. i.
 ii) See above analysis No. ii.
 iii) See above analysis No. iii.
 iv) See above analysis No. iv.
 v) See above analysis No. v.

30. Supreme Court of Pakistan
Pioa Shah v. Amin Khan, etc.
Civil Petition No. 146-P/2015
Mr. Justice Sardar Tariq Masood, Mr. Justice Mazhar Alam Khan Miankhel
https://www.supremecourt.gov.pk/downloads_judgements/c.p. 146_p 2015.pdf

Facts: The petitioner purchased the mortgagee rights of the suit property and as such he became mortgagee of the suit property. The Respondent No. 1 filed the suit for the redemption of his property, which was dismissed by the Civil Court. The petitioner through instant petition for leave to appeal has impugned the judgment of the High Court, whereby his revision petition was dismissed upholding the judgment and decree of the Appellate Court whereby the suit for redemption filed by the respondents was decreed.

Issues: i) Whether principle of Res-judicata is attracted in case of independent rights and separate causes of actions?
 ii) Whether sale of mortgagee rights is considered as an acknowledgement under Sections 19 & 20 (2) of the Limitation Act?
 iii) Whether the purchase of mortgagee rights provide a fresh cause of action and a fresh start of limitation?
 iv) Whether the purchaser of mortgagee rights become owner on the basis of prescription automatically due to lapse of time?

Analysis: i) The plea of res judicata because of the pre-emption suit was raised by the petitioner but the same cannot be made applicable in the given situation. A suit for pre-emption and a suit for redemption, both are independent rights and separate causes of action, having no nexus with each other, hence, the principle of res judicata is not attracted.

ii) It is a settled law that the sale of mortgagee rights is always considered as an acknowledgment as defined under Section 19 of the Act of 1908. The possession of the petitioner over a part of the suit property to the extent of his mortgage was also admitted by both the parties at the bar during the course of hearing and the petitioner in his written statement has also admitted his possession over the mortgaged property. The possession of the mortgagee and getting/deriving benefits from the mortgaged property is sufficient enough to attract the provisions of Section 20(2) of the Act of 1908.

iii) So, as per the law, the purchase of mortgagee rights by the petitioner has given also a fresh cause of action and a fresh start of limitation to the Respondent No.1. The suit for redemption filed by the Respondent No. 1 is covered by both provisions of law i.e. Sections 19 and 20 (2) of the Act of 1908 and as such is well within the time and has rightly been held so by the Courts below.

iv) For claiming a right under prescription, which is not available after the target date of 31.08.1991 as given in Maqbool Ahmed's case (supra), one has to seek declaration from the competent Court of law and on having such a decree of declaration, one can become owner on the strength of prescription. Title under prescription cannot be achieved just by operation of law. The Federal Shariat Court in Maqbool Ahmed's case (supra) has held that the right of ownership cannot be snatched simply by lapse of certain period of time. Yes, the remedy provided under the law to achieve that right can be refused but right will remain there and the same principle would also apply in case of Article 148 of the Act of 1908 though not discussed and considered in the case of Maqbool Ahmed's case (supra) but the essence of Maqbool Ahmed's case (supra) would also make it applicable against Article 148 of the Act of 1908. Simply efflux of time would not deprive an owner from his ownership rights.

- Conclusion:**
- i) The principle of res judicata is not attracted.
 - ii) The sale of mortgagee rights is always considered as an acknowledgment as defined under Section 19 of the Act of 1908.
 - iii) The purchase of mortgagee rights gives a fresh cause of action and a fresh start of limitation.
 - iv) See analysis Para No. iv.

31. Lahore High Court
The State v. Saqib Hussain
Reference No.69061 of 2020
The Chief Justice Miss Aalia Neelum, Mrs. Justice Abher Gul Khan
<https://sys.lhc.gov.pk/appjudgments/2025LHC2548.pdf>

Facts: The instant reference under section 341 of Cr.P.C. was referred by the learned Additional Sessions Judge, Lahore by alleging therein that the trial in case FIR under sections 302, 376, 201 PPC was pending and same was almost concluded; the court reached the conclusion that accused Saqib Hussain though not insane is unable to understand the proceedings due to his mental

and physical health. So, the report of the circumstances of the case was sent through the reference mentioned above.

- Issue:**
- i) What is the law and procedure to send a reference to High Court where accused does not understand proceedings?
 - ii) When procedure under section 341 of the Code of Criminal Procedure 1898 should be followed by the trial court?
 - iii) If the accused is sane though he cannot understand the proceedings what procedure should be adopted by the trial court?

- Analysis:**
- i) Section 341 Cr.P.C. is reproduced as under: -
Procedure where accused does not understand proceedings: If the accused though not insane, cannot be made to understand the proceedings, the Court may proceed with the trial; and-in the case of a Court other than a High Court or if such trial results in a conviction, the proceedings shall be forwarded to the High Court with a report of the circumstances of the case, and the High Court shall pass thereon such order as it thinks fit.
 - ii) If the Judge doubts the accused's physical and mental capacities, the procedure prescribed under Section 341 should be followed.
 - iii) Unless the accused is insane, the trial court can proceed with the trial even though the accused cannot understand the proceedings. Further, if such a trial results in a conviction, the trial judge is required to forward the proceedings to the High Court, which shall pass such order as it thinks fit.

- Conclusion:**
- i) See above analysis No. i
 - ii) See above analysis No. ii.
 - iii) See above analysis No. iii

32. Lahore High Court
Munir Ahmad v. Federation of Pakistan, etc.
Writ Petition No.52452 of 2024
Ms. Justice Aalia Neelum, Chief Justice
<https://sys.lhc.gov.pk/appjudgments/2025LHC2485.pdf>

Facts: The petitioner has filed a constitutional petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking to challenge the legality of the Standing Operating Procedure (SOP) established through a Standing Order for maintaining the Provisional National Identification List (PNIL). The petitioner contends that the SOP lacks lawful authority and requests the court to declare it as such.

Issues:

- i) Whether for the same self-relief, two parallel proceedings before the two forums can be taken?

Analysis:

- i) Given the above, the instant petition is not maintainable, as the matter was already brought before the competent court of law and dismissed. The order

passed therein attained finality, and for the same self-relief, two parallel proceedings before the two forums cannot be taken.

Conclusion: i) No, for the same self-relief, two parallel proceedings before the two forums cannot be taken.

33. Lahore High Court
Muhammad Shafique v. The state, etc.
Crl. Rev. No.834 of 2012
Ms. Justice Aalia Neelam, Chief Justice
<https://sys.lhc.gov.pk/appjudgments/2025LHC2489.pdf>

Facts: The petitioner was convicted by the trial court under section 420/468/471 PPC and sentenced to undergo rigorous imprisonment of 05-years in each offence alongwith fine. The appeal filed by the petitioner was dismissed by the learned appellate Court/ASJ. Hence, the petitioner filed revision petition before the Hon'ble High Court.

Issue: i) Whether in revision jurisdiction the court can re-embark upon re-appreciation of evidence?
 ii) Whether an attested copy of a judgment of a civil case, which was not produced at trial of a criminal case, can be considered in a Criminal revision?
 iii) Whether reliance can be placed on the testimony of untruthful witness for conviction of an accused?

Analysis: i) It is well settled that revisional jurisdiction cannot re-embark upon re-appreciation of evidence unless the finding of fact is illegal or perverse.
 ii) It is an admitted fact that after the judgment of the trial court, the suit for declaration and mandatory injunction filed by the complainant (PW-1) on 29.09.2010, and the suit for recovery of the Oil Tanker bearing registration No. GLT/5840 filed by the petitioner, Muhammad Shafique, against Nasrullah Khan (PW-1)-the complainant on 18.11.2013, was decided by the learned Civil Judge 1st Class, Gujranwala, through a consolidated judgment dated 21.06.2016, whereby the suit filed by the complainant was dismissed, while the suit filed by the petitioner, Muhammad Shafique, was decreed. Learned counsel for the petitioner placed on the record the aforesaid documents through C.M. No.1/2022, which are being taken into consideration under section 428 Cr.P.C.
 iii) After carefully considering the prosecution witnesses, this court found considerable doubt about their credibility as truthful witnesses. So, no reliance could be placed on their testimony for the petitioner's conviction.

Conclusion: i) In revision jurisdiction the court cannot re-embark upon re-appreciation of evidence unless the finding of fact is illegal or perverse.
 ii) See above analysis No. ii
 iii) No reliance can be placed on the testimony of untruthful witness for

conviction of an accused.

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- 34. Lahore High Court**
Mst. Hafeezan Bibi etc. v. Nazar Muhammad etc.
Case No. W. P. No. 12400 of 2012
Mr. Justice Faisal Zaman Khan
<https://sys.lhc.gov.pk/appjudgments/2025LHC2338.pdf>

Facts: A suit for possession was instituted on the basis that the plaintiff owned certain land allegedly encroached upon by the defendants, whose property was adjacent. The trial court appointed a Revenue Officer as a local commission to demarcate the land. The defendants challenged this appointment, asserting it was outside the jurisdiction of the revenue authorities.

Issues:

- i) For what purpose Local Commission can be appointed by a court?
- ii) Dictionary meaning of “elucidate”
- iii) Is the report of a local commission binding on the court, and can the court reject it or appoint a new commission even without objections?
- iv) Can the court order local investigation and demarcation in a suit for possession to determine illegal occupation?
- v) Is demarcation through a local commission meant to assist the court rather than create evidence for any party?

Analysis:

- i) In order to elucidate any issue pending before the court under Order XXVI Rule 9 CPC the court can order appointment of a local commission...in order to clarify a situation about which the court is unclear or is of the view that exercise of such power can bring the court to just and proper conclusion or the issue before it can be resolved with such exercise, a local investigation can be conducted by the court through the medium of a local commission.
- ii) The dictionary meaning of “elucidate”, is to clear/clarify/illuminate/ to shed light on.
- iii) Opinion/report of the local commission is not binding on the court and once the report is submitted, opportunity is given to the contesting parties to file their objections, which will be adjudicated upon before placing reliance on the report. Even if no objections are raised, the court even otherwise can reject the report or order to appoint a new local commission (so that justice can be done).
- iv) Keeping in view the nature of a regular suit for possession where the allegation is that rival party has illegally occupied the land of the plaintiff and for proving this fact the plaintiff will have to prove its ownership over the land in dispute and its dispossession whereupon the other party will put forth its defence justifying or validating its possession. Apart from keeping the evidence led by the parties in view an important tool in the hand of the courts so as to ascertain illegal possession is the local investigation through a commission who can also be ordered demarcation of the land in dispute which will clear all the ambiguities as the evidence of the parties can only be led to the effect that parties are owners of

the respective properties, however, without demarcation the issue of illegal occupancy of land cannot be determined otherwise.

v) Demarcation does not mean that it is ordered for creating evidence for a particular party... appointment of local commission qua demarcation is only to elucidate the pending matter and to verify the situation on ground enabling the courts to arrive at a just and proper conclusion, therefore, there is no circumstance to create evidence for any party.

Conclusion: i) See above analysis No i.
 ii) See above analysis No ii.
 iii) Report of the local commission is not binding on the court. Even if no objections are raised, the court even otherwise can reject the report or order to appoint a new local commission.
 iv) See above analysis No iv.
 v) Demarcation is only to elucidate the pending matter and to verify the situation on ground enabling the courts to arrive at a just conclusion

35. Lahore High Court
Asif Zahoor v. Muhammad Hanif
F.A.O. NO.02 OF 2024
Mr. Justice Mirza Viqas Rauf
<https://sys.lhc.gov.pk/appjudgments/2025LHC2211.pdf>

Facts: This appeal under Section 24 of the Cantonments Rent Restriction Act, 1963 emanates from order, whereby the Additional Rent Controller, proceeded to allow the application under Section 17(9) of the Act, 1963, moved by the respondent, seeking striking off defense of the appellant on the ground that he failed to comply the tentative rent order.

Issues: i) Who is a tenant under the Cantonments Rent Restriction Act, 1963; whether after his death, tenancy continues to his legal heirs?
 ii) How and when the rent due would be deposited, in case of dispute between the landlord and tenant?

Analysis: i) It is manifestly clear that tenant can be a person, who undertakes or is bound to pay rent as consideration for the possession or occupation of a building by him or by any other person on his behalf and it includes any person, who continues to be in possession or occupation of the building after termination of his tenancy and in the event of death of the tenant, his heirs and successors and after termination of the tenancy, his heirs and successors who continue to be in possession or occupation of the building.
 ii) Section 17 of the Act, 1963 outlines the grounds for eviction of a tenant. Sub-Section (8) of Section 17 ordains that on the first hearing of proceedings under this section or as soon thereafter as may be but before the issues are framed, the Controller shall direct the tenant to deposit in his office before a specified date all

the rent due from him, and also to deposit regularly till the final decision of the case, before the 5th day of each month, the monthly rent which subsequently becomes due, and if there be any dispute as to the amount of rent due, the Controller shall determine such amount approximately. Whereas Sub-Section (9) of Section 17 of the Act, 1963 provides the consequences of non-compliance of tentative rent order passed in terms of Sub-Section (8).

- Conclusion:**
- i) Tenant can be a person, who undertakes or is bound to pay rent as consideration for the possession or occupation of a building by him or by any other person on his behalf and it includes any person, who continues to be in possession or occupation of the building after termination of his tenancy and in the event of death of the tenant.
 - ii) The Controller shall direct the tenant to deposit in his office before a specified date all the rent due from him, and also to deposit regularly till the final decision of the case, before the 5th day of each month, the monthly rent which subsequently becomes due, and if there be any dispute as to the amount of rent due, the Controller shall determine such amount approximately.

36. Lahore High Court
Adeel Khaleel v. Shahid Hassan and 10 others
Writ Petition No.3048 of 2018
Mr. Justice Mirza Viqas Rauf
<https://sys.lhc.gov.pk/appjudgments/2025LHC2552.pdf>

Facts: Petitioner filed a suit for specific performance based on an agreement to sell a house, which was decreed conditionally requiring deposit of the remaining sale consideration within a stipulated time; petitioner disputed the amount and sought modification through an application, which was dismissed; revision petition against the dismissal was filed but was rejected for being time-barred; consequently, the petitioner invoked constitutional jurisdiction under Article 199 of the Constitution.

Issues:

- i) Whether a court becomes functus officio upon non-fulfillment of a conditional decree within the stipulated time?
- ii) Whether a revision application must be filed within ninety days under the amended Section 115 of the Code of Civil Procedure?
- iii) Whether the law of limitation can be relaxed in revision proceedings tainted with patent illegality while balancing the principle that it aids the vigilant, not the indolent?

Analysis:

- i) It is an oft repeated principle of law that when a decree is conditional and it stipulates the condition as well as the consequence of non-fulfillment of such condition the court would become functus officio on the target date.
- ii) It is noticed that the revisional powers were conferred upon the High Court for the first time by virtue of Section 35 of the Act, 1861 and through the Law

Reforms Ordinance (XII of 1972), Section 115 as it then was, has been renumbered as sub-section (1), and sub-sections (2), (3) & (4) were added. Second proviso to sub-section (1) was added through the Code of Civil Procedure (Amendment) Act (VI of 1992) whereunder it was made obligatory that a revision application shall be made within ninety days of the decision of the subordinate court which shall provide a copy of such decision within three days thereof and the High Court shall dispose of such application within six months.

iii) There is no cavil that mere limitation would not come in the way of revisional court to exercise its jurisdiction where it appears from the record that the proceedings brought before it are tainted with such patent illegalities or material irregularities defeating the ends of justice but at the same time limitation cannot be considered merely a formality. The prime object of law of limitation is to help the vigilant and not the indolent. A court cannot come to the rescue of a litigant having gone into deep slumber and became forgetful of his right.

Conclusion: i) See analysis No.1.

ii) It was made obligatory that a revision application shall be made within ninety days of the decision of the subordinate court.

iii) Mere limitation would not come in the way of revisional court to exercise its jurisdiction where it appears from the record that the proceedings brought before it are tainted with such patent illegalities or material irregularities defeating the ends of justice.

37. Lahore High Court
Muhammad Yaqoob Khan v. Pakistan through Secretary Ministry of Defence, (Civil Aviation Division), Govt. of Pakistan and others
R.F.A. No.80 of 2008
Mr. Justice Mirza Viqas Rauf, Mr. Justice Jawad Hassan
<https://sys.lhc.gov.pk/appjudgments/2025LHC2275.pdf>

Facts: The matter pertains to a dispute arising out of the acquisition of land for a national infrastructure project. The land was classified into different categories, and compensation was awarded accordingly. Dissatisfaction with the determined compensation, the affected parties filed references before the Land Acquisition Collector, which were then forwarded to the Senior Civil Judge for decision. Hence; these appeals.

Issues

- i) Whether different kinds of land (Maira, Ghairmumkin, and Banjar Qadeem) can be treated uniformly for the purpose of compensation?
- ii) What is the key determining factor for awarding compensation under the Land Acquisition Act, 1894?
- iii) Should compensation be based on the price a willing buyer would pay, considering all relevant factors?
- iv) Can individual property rights be overridden in favour of public interest during land acquisition?

v) Is a landowner entitled to interest in addition to compensation when deprived of property under the law?

Analysis:

- i) From the comparative analysis of both Maira and Ghairmumkin land, there is no cavil that both are of different characteristic. (...) Before proceeding further, we thus, can now hold without any hesitation that there exists marked distinction between nature and status of land noted hereinabove i.e. Maira, Ghairmumkin and Banjar etc and they cannot be treated similar and akin to each other.
- ii) Section 23 of the Act, thus, does not restrict or hinge upon a single factor, rather it provides for various matters to be taken into consideration while determining compensation. We are mindful of the fact that initially, there was a trend that while determining the compensation, market value of the land at the date of publication of notification under section 4 of the Act was mainly taken into consideration but with the passage of time, law to this effect has gone under radical change and now the dominant factor is the potential value of the land.
- iii) The most dominant and guiding factor would be that the compensation should be determined at the price, which a willing buyer would pay to a seller as per his satisfaction. But at the same time, one cannot lose sight of the fact that compensation cannot be determined and awarded to the landowners as a bounty of state without taking into consideration the above noted salient features.
- iv) We are mindful of the fact that through the process of acquisition, a landowner is to be deprived of his property which is a stringent step but right of an individual cannot take precedence upon the right of general public. Acquisition of land is always meant for the benefit of large segment of society at the alter of rights of a specific group of society or the individual.
- v) Needless to observe that right of a citizen to hold property is not unfettered and unbridled but it is always subject to the law of land. In order to provide reasonable protection to the proprietary rights of a citizen whose land is to be acquired, the legislature inserted Sections 28 and 34 in the Act wherein a landowner who has been deprived of his/her land is held entitled to receive interest in addition to the compensation amount.

Conclusion:

- i) Maira, Ghairmumkin, and Banjar lands are distinct and must be compensated differently.
- ii) Compensation considers multiple factors, with focus shifting to potential value.
- iii) See analysis No.iii.
- iv) Public interest overrides individual property rights in land acquisition.
- v) Law ensures landowners receive interest along with compensation.

38.

Lahore High Court

State Life Insurance Corporation Vs. The Cooperative Insurance Society of Pakistan Limited

W.P. No.819 /1972

Mr. Justice Ch. Muhammad Iqbal

<https://sys.lhc.gov.pk/appjudgments/2025LHC2367.pdf>

Facts: Applicant, the State life Insurance Corporation, through petition under section 12(2) CPC challenged the judgment dated 03-11-1992 through which writ petition filed by the respondent against nationalization of its assets was accepted. The court accepted application, set aside the judgment and also dismissed the writ petition of respondents.

Issues:

- i) What is the effect of fraud on court proceedings?
- ii) Whether limitation runs against order/judgment obtained through fraud?
- iii) Whether courts have jurisdiction to adjudicate matters pertaining to the Life Insurance (Nationalization) Order, 1972?

Analysis:

- i) The respondents malafidely did not mention the petitioner as party/as respondent and fraudulently inserted the name of the petitioner as writ petitioner and for this reason no notice could be issued to the applicant by this Court which shows that the respondents committed fraud and misrepresentation to obtain the impugned judgment from this Court whereas fraud vitiates the most solemn proceedings thus any edifice so raised on the basis of such fraudulent act that shall stand automatically dismantled and any ill-gotten gain achieved by fraudster cannot be validated under any norms of laws and ethics.
- ii) It is settled law that when order/judgment obtained on the basis of fraud and misrepresentation then no limitation runs against such order/ judgment, thus as and when the said fraud came into knowledge of the aggrieved party, it can avail remedy under Section 12 (2) CPC and as per Article 18 of the Limitation Act, 1908 limitation will start from the date of knowledge of such orders... Thus as the impugned order was obtained on the basis of fraud and misrepresentation which is void in nature, and against such like illegal order no question of limitation arises and such void order being nullity in the eyes of law is vulnerable to inherent jurisdiction of the Court to be set at naught, as such the same is liable to be ignored and undone accordingly... The impugned judgment was obtained by the respondent without issuance of notice to the applicant and hearing it as well as through connivance of the respondents and the writ petitioner on the basis of consent, thus any order/ judgment / decree obtained without hearing and notice to adverse party would be nullity and no question of limitation would arise... The settled principle of law is that no limitation runs against the void order and the entire superstructure based on the same is to be crumbled down for all intents and purposes and same does not create or convey any kind of right in favour of holder of such order... Besides above, any order/ judgment passed without notice or hearing of a party whose presence is otherwise necessary before the Court is nullity in the eyes of law and in such like cases no question of limitation would arise...
- iii) The Life Insurance (Nationalization) Order, 1972 was promulgated on 18.03.1972 and under Article 269(1) of the Constitution of the Islamic Republic of Pakistan, 1973, the Order, 1972 as well as all the other laws made between

20.12.1971 to 20.04.1972 were declared to have been validly made by the competent authority and same has protection of the Constitution... Further under Article 45 of the Order 1972 jurisdiction of this Court is barred.

Conclusion: i) Fraud vitiates the most solemn proceedings.
 ii) when order/judgment has been obtained on the basis of fraud and misrepresentation then no limitation runs against such order/ judgment.
 iii) under Article 45 of the e Life Insurance (Nationalization) Order, 1972 jurisdiction of Courts is barred.

39. Lahore High Court
Nasir Ahmad (deceased) through Legal Heir & others v. Member Board of Revenue, Punjab, Lahore & others.
Writ Petition No.28076 of 2021.
Mr. Justice Muhammad Sajid Mehmood Sethi
<https://sys.lhc.gov.pk/appjudgments/2025LHC2518.pdf>

Facts: The Govt. acquired land of the petitioner for public purpose. The surplus land was transferred/ returned (vide disputed mutation) to the petitioner in result of a decree passed by the Civil Court. An application under S.12(2) CPC filed by the Department was dismissed upto the apex Court. Later on, the Revenue Authority reviewed its order of return of land and cancelled the disputed mutation. Hence, the petitioner filed the Writ Petition before the High Court.

Issues: i) Whether the unutilized acquired land is to be auctioned by the Govt. or restore to the previous owner of the land?
 ii) How the discretion should be exercised by the Govt. in auctioning or returning the unutilized land to its previous owner?
 iii) What authority retains by the Govt. if the acquired land remains unused, whether it is to be returned under the principle of reversion?
 iv) What is the effect of a decree passed by the civil Court, whether revenue authority can review the mutation sanctioned in pursuance of such decree?
 v) Whether it is within a revenue officer's jurisdiction to reassess or question the merits or correctness of a Civil Court decree?

Analysis: i) It is worth noting that the Government has the discretion either to auction the unutilized land or, as a matter of grace, restore it to the previous owner(s), who cannot claim restoration of unutilized land as a matter of right.(---) It is a well-established legal principle that when acquired land, either in whole or in part, remains unused, it should rightfully revert to its original owner in due course of law.
 ii) However, the discretion vested in the Government must be exercised fairly and reasonably, not arbitrarily or capriciously—in accordance with the well-established legal maxim 'discretio est discernere per legem quid sit justum' which

means that when a judge or authority uses discretion, it is not about acting on personal whims or subjective feelings, but rather about using reasoned judgment within the framework of the law to determine what is fair and just in a given situation. It has been repeatedly held by the superior Courts of the country that discretionary powers vesting in an authority are to be exercised judiciously and in reasonable manner, otherwise the decision will be arbitrary and may be considered misuse of power.

iii) Undoubtedly, when authorities acquire private property for public purposes and subsequently fulfill those objectives with surplus land remaining, the government retains the authority to repurpose such excess land for alternative public initiatives. However, in absence of any government-approved scheme demonstrating this new public purpose, the law requires that such land be denotified and restored to its original proprietors or their rightful successors. This principle of reversion serves as a safeguard against indefinite governmental retention of land beyond its legitimately required scope.

iv) It bears emphasizing that revenue authorities cannot contravene a decree passed by the Civil Court; so, the sanctioning of a mutation in pursuance of such a decree was merely a formality and was not an independent act, which did not create separate rights. Under these circumstances, the mutation in question was clearly beyond the District Collector's (respondent No.3) authority to review, as doing so would effectively nullify the decree granted in the petitioners' favour.

v) It is not within a revenue officer's jurisdiction to reassess or question the merits or correctness of a Civil Court decree. The law unequivocally requires revenue officers to accept such decrees and implement them in the revenue records accordingly. The respondent-authorities, in issuing the impugned orders, failed to properly consider both the legal framework and factual background of the case, erroneously ordering a review of the aforementioned mutation without accounting for critical aspects of the matter.

- Conclusion:**
- i) See above analysis No.i
 - ii) See above analysis No.ii
 - iii) See above analysis No.iii
 - vi) Revenue authority cannot review the mutation sanctioned in pursuance of a decree passed by the Civil Court.
 - v) it is not within a revenue officer's jurisdiction to reassess or question the merits or correctness of a Civil Court's decree.

40. Lahore High Court
Faysal Bank Limited v. M/s Tahir Omer Industries Limited, etc.
C.O.S No.825 of 2022
Mr. Justice Muhammad Sajid Mehmood Sethi,
<https://sys.lhc.gov.pk/appjudgments/2025LHC2346.pdf>

Facts: A financial institution filed a recovery suit under Section 9 of the Financial

Institutions (Recovery of Finances) Ordinance, 2001, against a company that defaulted on repayment of finance facilities including FATR and WCL. The defendants filed an application for unconditional leave to defend, raising various factual and legal objections. The present judgment adjudicates on the maintainability of the suit and the defendants' entitlement to defend.

- Issues:**
- i) Can a financial institution institute a suit under the Ordinance, 2001, through a duly authorized officer?
 - ii) Does a certified statement of account suffice under the Bankers' Books Evidence Act, 1891?
 - iii) Is a defendant's general denial without documentary rebuttal sufficient to dispute a financial claim?
 - iv) Can unsubstantiated objections to financial documentation negate the claim of a financial institution?
 - v) Can vague denials and lack of counter-evidence justify leave to defend a suit under the Ordinance, 2001?

- Analysis:**
- i) As per Section 9(1) of the Ordinance, 2001, when a customer or financial institution defaults on any finance obligation, the aggrieved party may institute a suit in the Banking Court by presenting a plaint verified on oath. In the case of a financial institution, this verification may be executed by the Branch Manager or another officer duly authorized by power of attorney... The present suit was instituted through the aforementioned Sheharyar Tiwana, with the Power of Attorney available in the file, confirming that this suit has been properly initiated through a competent person.
 - ii) The Hon'ble Supreme Court and High Courts have consistently held that the Statement of Account provided by the bank, which bears the proper stamps and initials of the authorized bank official, besides carrying a note "*Certified and verified on Oath that all the entries contained in the statement of account are true copies of the entries contained in ordinary books of the bank maintained and prepared in ordinary course of business and the said books are still in the custody of the bank. These entries have been certified after verification from the original ledger/ bills of the banker*", satisfies the legal requirements stipulated under section 2(8) of the Bankers' Books Evidence Act, 1891. The Statement of Account submitted by the plaintiff bank in this suit carries such an endorsement/certification; therefore, the Statement of Account is duly certified in terms of afore-referred provisions of law. On the other hand, the defendants have not attached any counterstatement to controvert said Statement of Account. Consequently, their mere unsubstantiated allegations, unsupported by legal authority or documentary evidence, have no legal merit or foundation.
 - iii) It is a well-established legal principle that a defendant cannot contest an amount that has been duly acknowledged in the financial statement and audited accounts.
 - iv) The documents annexed with the plaint negate this contention of the learned counsel of the defendant-Company. The Statement of Account and the Financing

Statement duly reflect the details of due mark-up as well as adjusted mark-up. It is well-settled principle of law that mark-up is to be paid by the customer on the availed finances as per the agreement executed between the parties.

v) Once again it is observed that unsubstantiated allegations by the defendant-Company regarding the non-execution of financial documents lack documentary evidence. The defendants have not specifically denied executing the Mortgage Deeds, Memorandum of Deposit of Title Deeds, or other security documents. Furthermore, they have not explicitly denied that the amount claimed by the plaintiff-Bank was credited to the principal debtor's account. The defendants have also failed to challenge these documents before any legal forum. Therefore, their evasive denial of executing the financial documents does not entitle them to leave to defend the suit. Conversely, the plaintiff-Bank's claim is supported by numerous documents present on the record, as discussed above, which cannot be discarded without compelling documentary evidence in rebuttal.

- Conclusion:**
- i) Yes, a financial institution can institute a suit under the Ordinance, 2001, through a duly authorized officer.
 - ii) Yes, a certified statement of account satisfies the evidentiary requirements under the Bankers' Books Evidence Act, 1891.
 - iii) No, a general denial by a defendant, unsupported by documentary rebuttal or specific counter-entries, is insufficient to dispute a well-documented financial claim.
 - iv) No, vague and unsupported objections cannot negate the plaintiff's claim when documentation such as statements of account and financing statements substantiate the financial relationship and obligations.
 - v) No, vague denials and the absence of substantive counter-evidence do not justify leave to defend under the Ordinance, 2001.

41. Punjab Subordinate Judiciary Service Tribunal Lahore
Sheikh Ali Jaffar v. The Registrar, Lahore High Court, Lahore.
Service Appeal No. 31 of 2015
Mr. Justice Muhammad Sajid Mehmood Sethi, Mr. Justice Rasaal Hasan Syed, Mr. Justice Abid Husain Chattha
<https://sys.lhc.gov.pk/appjudgments/2025LHC2391.pdf>

Facts: The appellant, while serving as a Civil Judge and appointed as Returning Officer, issued a corrigendum, reversing the result of a declared successful candidate without notice to the complainant and forwarded the same directly to the Election Commission of Pakistan ("ECP"). Following complaints and an inquiry, the appellant was dismissed from service by the competent authority. The departmental representation / appeal filed by the appellant was also dismissed. Feeling aggrieved, the appellant filed the instant service appeal.

Issues:

- i) Whether a Returning Officer, after declaring election results, is legally competent to revise the same through a corrigendum?
- ii) Whether the appellant's actions issuing a revised result without notice to the

affected party violated principles of natural justice?

iii) Whether the proven conduct of the appellant of issuing a revised result meets the definition of 'misconduct' under the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999?

iv) Whether the disciplinary proceedings violated the principle of double jeopardy given the appellant's prior reinstatement?

- Analysis:**
- i) It has not been shown to us that under what authority of law, the appellant undertook said exercise when the election disputes could only have been resolved by the Election Tribunals and the appellant had become functus officio. Once a candidate is declared elected in the Form IX, the Returning Officer ceases to have any power to alter said declaration subsequently.
 - ii) It is not evident from the record that the appellant issued any notice to the opposite party, who was likely to be affected from the change in the already declared result, which contravenes the principles of natural justice.
 - iii) The act complained of must bear a forbidden quality or character having regard to the scope of the statute and the public purpose it seeks to serve. A wanton breach of the governing principles of law or procedure may indicate, in certain cases, a motivated or even reckless disregard of legal principles.
 - iv) The earlier complaint dealt with by the ECP against the appellant was independent from the inquiry proceedings ordered by the competent authority under the provisions of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999.

- Conclusion:**
- i) See analysis i above.
 - ii) See analysis ii above.
 - iii) The established facts of issuing a revised result reflect gross negligence, misconduct and a dereliction of duty on the part of the appellant.
 - iv) There was no issue of double jeopardy, as these two proceedings were independent of one another.

42. Lahore High Court
Malik Muhammad Anwar Versus Chand Bibi (deceased) through Legal Heirs & others
Civil Revision No.2519 of 2023
Mr. Justice Muhammad Sajid Mehmood Sethi
<https://sys.lhc.gov.pk/appjudgments/2025LHC2507.pdf>

Facts: Petitioner filed a suit for declaration, possession through partition, and permanent and mandatory injunction, which was contested by the respondents; trial Court dismissed the suit; appeal of petitioner was also dismissed by the Appellate Court, leading to the filing of the present revision petition.

Issues:

- i) Whether general allegations without specific details do not constitute a proper plea of fraud?

ii) Whether the concurrent findings suffer from jurisdictional error, illegality, or material irregularity warranting interference under Section 115 CPC?

Analysis:

i) when a party alleges fraud, it must provide specific particulars detailing the nature and manner in which it was practiced, enabling the opposing party to prepare an adequate defense. General allegations without specific details do not constitute a proper plea of fraud. Essential particulars—including when, how, by whom, in what manner, and for what purpose the fraud was committed, as well as who colluded with whom and for what objective—must be clearly averred.

ii) It has been consistently held by the superior Courts that High Court's revisional authority under Section 115 of the Code of Civil Procedure 1908, exists to ensure proper judicial oversight and correction, unimpeded by procedural formalities. This power is limited to addressing substantive errors such as misinterpretation of evidence, jurisdictional overreach, or significant legal flaws that materially affect merits of the case or result in conclusions that contradict established legal principles. Revisional powers cannot be used to interfere in the concurrent findings of the Trial and Appellate Courts merely because of the reason that another view of the evidence could also be possible. The law is also well-settled that even if the findings of the Courts below are erroneous, the High Court, in exercise of its revisional powers, cannot interfere unless such findings suffer from a jurisdictional defect, illegality, or material irregularity affecting the merits of the case.

Conclusion:

i) General allegations without specific details do not constitute a proper plea of fraud.

ii) High Court, in exercise of its revisional powers, cannot interfere unless such findings suffer from a jurisdictional defect, illegality, or material irregularity affecting the merits of the case.

43. Lahore High Court
Mehboob Alam v. Additional District Judge, Lahore & others
Writ Petition No.29329 of 2020
Mr. Justice Muhammad Sajid Mehmood Sethi
<https://sys.lhc.gov.pk/appjudgments/2025LHC2512.pdf>

Facts: A petitioner challenged the orders for auction of his property issued by the Executing Court. The auction was initiated to satisfy a decree passed in a family suit wherein the petitioner had submitted a surety bond on behalf of the judgment-debtor.

Issues:

i) Can a surety be held liable for the entire decretal amount if the contents of the surety bond and recorded statement differ?

ii) Can a decree be executed against a surety based on their undertaking if the judgment-debtor defaults?

iii) Does the arrest of the judgment-debtor absolve the surety from liability under the surety bond?

- Analysis:**
- i) It is manifestly clear from the above that while submitting surety bond, petitioner has undertaken to satisfy the remaining decretal amount, whereas the surety bond submitted on his behalf contains altogether different version. There is clear ambiguity found in the surety bond, whereas the undertaking given by petitioner on the backside thereof is not ambiguous and its plain reading leads to no other meaning but that the petitioner / surety held himself responsible for satisfaction of the entire remaining amount and offered his property, mentioned in the statement, to be attached in case of default by the judgment-debtor. There is no cavil with the proposition that stipulation(s) and / or words in surety bond must be read in their ordinary meaning and when words contained therein are unambiguous, there is no reason to apply any other to its construction, however, in this case, the contents of surety bond are vague and unclear as compared to the undertaking given by petitioner.
 - ii) ...the petitioner himself made him liable to pay the decretal amount in place of the judgment-debtor on his failure to satisfy the decree. The petitioner now cannot wriggle out of his own undertaking. Law is well settled about proposition that decree can also be executed against a surety.
 - iii) It suffices to say that arrest of judgment-debtor does not absolve the surety from making payment of decretal amount as his liability is joint and several with the judgment-debtor. Surety can be proceeded against for enforcement of his liability as provided under Section 45 CPC.
- Conclusion:**
- i) Yes, a surety is liable for the entire decretal amount where his recorded statement clearly affirms such liability.
 - ii) Yes, a decree can be executed against a surety based on their undertaking if the judgment-debtor defaults.
 - iii) No, arrest of the judgment-debtor does not absolve the surety from liability.

44. Lahore High Court
Ch. Fawad Ahmed v. Government of Pakistan and others
Writ Petition No. 17090/2025
Mr. Justice Syed Shahbaz Ali Rizvi, Mr. Justice Tariq Saleem Sheikh
<https://sys.lhc.gov.pk/appjudgments/2025LHC2579.pdf>

- Facts:** The Petitioner, a former government official, was later implicated in multiple criminal cases for allegedly inciting public violence through social media across several cities following a major political event. He asserted through this writ petition that these cases stemmed from the same alleged conduct and sought their consolidation into a single proceeding where principal offence occurred.
- Issues**
- i) Can multiple FIRs be registered regarding the same occurrence or incident involving a different version of events?
 - ii) Does the “doctrine of sameness” permit consolidation of FIRs that arise from events triggered by a common cause?

- iii) Can distinct occurrences across different times and locations be consolidated into one legal proceeding under the doctrine of sameness?
- iv) Does section 180 Cr.P.C. allow multiple offences allegedly resulting from a single act of abetment to be tried at the place where the abetment occurred?
- v) What does “same transaction” mean under judicial interpretation?
- vi) What is the distinction between section 239 Cr.P.C. and the doctrine of sameness in terms of their legal scope and purpose?
- vii) Does Article 13(a) of the Constitution bar prosecution for the same conduct in multiple jurisdictions prior to conviction or acquittal?

Analysis:

- i) There was, however, a divergence of judicial opinion in our country on whether a second FIR could be registered regarding the same occurrence, particularly when it involved a different version of the same incident. In *Mst. Sughran Bibi v. The State* (PLD 2018 SC 595), a larger Bench of the Supreme Court of Pakistan authoritatively settled the controversy and explained that the correct legal position was as follows: (...) (d) During the investigation, the officer may record any number of versions of the same incident as presented to him by different individuals. All of them are documented under section 161 Cr.P.C. within the same case. No separate FIR is to be registered for any new version of the same incident brought to the officer’s attention during the investigation.
- ii) The question as to whether the doctrine is applicable in a given case must be determined upon careful consideration of all relevant facts. It does not apply where the offences alleged in each FIR pertain to distinct incidents involving different victims, places, and consequences, even if triggered by a common cause.
- iii) In the present case, each FIR arises from a distinct occurrence that took place at a different time and, in some instances, at a different location. These events involve separate accused persons, acts of violence, and evidentiary material, albeit all are said to have been precipitated by a common political development, namely, the arrest of Imran Khan. The Petitioner has been implicated in all these FIRs on the allegation that he abetted the violence through social media messaging. While his alleged conduct may be broadly similar across the cases, the acts of violence forming the subject matter of the respective FIRs are neither identical nor part of a single transaction. As such, the doctrine of sameness does not justify a blanket consolidation of all FIRs.
- iv) this interpretation stretches section 180 beyond its intended scope. Section 180, read with its Illustration (a), merely confers concurrent jurisdiction on both courts: one at the place of abetment and the other where the abetted offence occurred. It does not mean that multiple distinct offences committed in different districts by different actors – allegedly in consequence of the same act of abetment – can be tried together at the place where the abetment occurred.
- v) The phrase “same transaction” is not defined in the Code. However, it has been judicially interpreted to mean a series of events or acts connected by proximity in time and place, continuity of action, commonality of purpose, and factual interdependence that form one indivisible whole.

vi) It is pertinent to note that although section 239 Cr.P.C. and the doctrine of sameness both employ the concept of a “same transaction”, they operate in distinct legal spheres and serve different purposes. Section 239 is a permissive procedural provision that allows the joinder of accused persons in a single trial, subject to statutory criteria. In contrast, the doctrine of sameness is a judicially developed principle rooted in procedural fairness that protects individuals from facing multiple prosecutions for the same alleged conduct. While the two may intersect in some instances, particularly where overlapping factual allegations arise, their legal foundations and objectives remain separate.

vii) In our view, the constitutional protection under Article 13(a) is generally attracted only after a person has been prosecuted or punished for an offence. Its extension to the investigative stage, as suggested in *Sanam Javed*, was based on the peculiar circumstances of that case and does not create a general bar to proceedings under section 179 Cr.P.C.

- Conclusion:**
- i) A second FIR cannot be registered for a different version of the same incident; all versions must be recorded within the same case under investigation.
 - ii) The doctrine of sameness is not applicable where FIRs relate to separate incidents with distinct facts, despite arising from a common cause.
 - iii) See analysis No.iii.
 - iv) Section 180 Cr.P.C. only grants concurrent jurisdiction to courts of abetment and offence, but does not allow joint trial of multiple distinct offences in one location.
 - v) Same transaction implies events connected by time, place, purpose, and continuity, forming an inseparable sequence.
 - vi) Section 239 Cr.P.C. and the doctrine of sameness both relate to same transaction, but differ fundamentally in legal nature, scope, and purpose.
 - vii) Article 13(a) of the Constitution bars double jeopardy only post-prosecution or punishment and does not generally apply during investigation.

45.

Lahore High Court

Noor Muhammad, etc. v. Mst. Sardar Begum, etc.

Civil Revision No.227-D/2013

Mr. Justice Asim Hafeez

<https://sys.lhc.gov.pk/appjudgments/2025LHC2264.pdf>

Facts:

The petitioners instituted a civil suit for seeking declaration, cancellation, partition and permanent injunction against will deed and gift deed. Trial Court dismissed the suit to the extent of the will deed and allowed it to the extent of the gift deed, declaring it ineffective and invalid. Appellate Court upheld the reasoning and rational of the decree of the trial court and dismissed the appeals. Through this Civil Revision, the petitioners have challenged the concurrent findings of the lower courts before the High Court.

Issues

- i) Whether consent by legal heirs must be in writing or even an oral consent, by way of conspicuous conduct and not mere silence, could contribute to the legality of the will deed?
- ii) What is scope of doctrine of cause of action estoppel?
- iii) What is scope and application of the concepts of burden to prove and onus to prove?
- iv) What is effect of consent of all legal heirs regarding limit of on bequeathing in excess of 1/3rd of the property?

Analysis:

i) Undeniably, conscious and conspicuous acquiescence, without any protest, constitutes a consent, by demonstrating an affirmative conduct. And an overt act as opposed to silence constitute an acknowledgment to the validity and effectiveness of the will deed. Simply by electing not to include the property, subject of the will deed, as part of previously instituted suit for partition of another property established an underlying intent, which is to treat property, subject of the will deed, not forming part of the estate of the deceased, this alone is sufficient to meet the requirement of having consent of all the heirs. Notably, paragraph 117 of the Muhammadan Law used the expression ‘*consent*’, without any qualification that consent should be and must always in writing. And instead, the consent can be expressed, communicated or ascertained upon evaluating an overt conduct. Hence, in view of the evidence available and conduct demonstrated, all the legal heirs had expressed acknowledgement of the will deed and consented to its enforcement.

ii) In the context of relevant facts, cause of action accrued to all the legal heirs to enforce it against the estate of the deceased, involving both the properties – one subject of the will deed and other subject of an earlier suit. Right to sue, *inter-alia* construed as a cause of action, was available, simultaneously against both the properties, irrespective of the will deed, but conspicuously exercising it with respect to one of the properties - Chur Harpal property –, clearly established that though cause of action was available but not exercised, hence, same stood extinguished upon passing of the judgment in the previous suit [merger of cause of action and enforceable but only in terms of the judgment passed – when in particular the judgment was not simplicitor a declaratory judgment but in fact directing partition of the estate of the deceased / Testator, only to the extent of Chur Harpal property. Doctrine, by which a cause of action merger with a judgment in the action was elaborately discussed in the case of “*Nasir (Appellant) v. Zavarco plc (Respondent)*” [2025 UKSC 5]. Now in these circumstances principle of merger, re-phrased as the rule of finality of cause of action, embodied in terms of Order II Rule (2) of the Code, is attracted, whereupon right of the legal heirs to seek partition of the property, subject of the will deed, stood extinguished and the right to sue / cause of action, for claiming share in the estate of the deceased matured / transformed into an enforceable judgment to the extent of property, not subject of the will deed. Hence, right to sue or invoke cause of action, already extinguished, is not available against the

property, subject of the will deed. Doctrine of cause of action estoppel, a rule of substantive law and embodied in Order II Rule (2), *ibid*, is fully attracted and rightly enforced by the courts.

iii) One must not overlook difference in the scope and application of the concepts of burden to prove and onus to prove, former is static throughout the proceedings, which imposes an obligation on the claimant, who claims a cause of action, to prove existence of such right in terms of Chapter IX [Burden of Proof] of Qanun-e-Shahadat Order 1984. And latter, which oscillates during the trial, refers to the requirement of producing evidence on a specific fact or issue.

iv) Pertinently, relevance of 1/3rd limit otherwise diminished when consent of the legal heirs to the will deed stood established. In terms of paragraph 118 of Muhammadan Law, bequest(s) in excess of the legal third cannot take effect, unless the heirs consent thereto after the death of the testator. Guidance in this behalf of solicited from the ratio settled in the case of *Zakia Begum and others V. Nasir-ul-Islam Khan and others* (2022 SCMR 2130). *Rule of Rateable proportion* has no application since factum of share of the legatees in excess of 1/3rd was not proved hence, there is no reason for reducing the share of each of the legatee, proportionately – validity of the will deed was affirmed by the Courts.

- Conclusion:**
- i) The consent can be expressed, communicated or ascertained upon evaluating an overt conduct.
 - ii) See above analysis No.ii
 - iii) See above analysis No.iii
 - iv) See above analysis No.iv

46. Lahore High Court
Saeed Ahmad Saeedi v. The State, etc.
Criminal Revision No.192 of 2024.
Mr. Justice Muhammad Amjad Rafiq
<https://sys.lhc.gov.pk/appjudgments/2025LHC2225.pdf>

Facts: The petitioner assailed the order of the learned ASJ, wherein, his application for acquittal u/s 265K CrPC on resiling of complainant/victim is dismissed.

- Issues:**
- i) How a witness is to be treated, who changes his stance?
 - ii) What is origin and literal meaning of the word “testimony”?
 - iii) What is difference between the resiling of complainant and resiling of a witness?
 - iv) Whether conviction could be based solely on DNA evidence?
 - v) What would be the status of a case after resiling of the complainant?

Analysis: i) The Supreme Court of Pakistan in a case reported as “Maulvi HAZOOR BAKSH versus THE STATE” (PLD 1985 Supreme Court 233) held that a witness who changes his stance cannot be considered as truthful witness and his testimony should not be relied upon. Further, statement of a resiling witness may be ignored

but a resiling complainant uproots the prosecution case in its entirety, because initiation of criminal prosecution is triggered by him and barring in some category of offences, when complaining person does not support formalization of such initiation, no question appears to produce further evidence.

ii) In a case reported as “MUHAMMAD AKHTAR and others Versus The STATE and others” (2022 P Cr. L J 591), this Court has thrashed the etymology of word ‘testimony’ ; according to which, it was derived from word “Testis” where ‘Te’ stands for ‘Tri’ (third) and ‘Stis’ means ‘stance’ or ‘stand’, so ‘testis’ means ‘third stand/stance’. In an adversarial system, there are two parties in contest, i.e., ‘prosecution’ and ‘defence’; thus, there are two stances and for resolution of issue Court requires a third stance, i.e., a witness.

iii) Of course, there is a difference between resiling of complainant and resiling of a witness. In former case, no probability of conviction remains there and then; therefore, dragging the matter for conducting whole trial would be an abuse of process, but in later case, situation remains open to get a support to the testimony of the complainant through other forms of evidence. However, in former case there is an exception that if video evidence of the occurrence is available and some witnesses also support the occurrence, then resiling of complainant shall not matter at early stage and trial must go on.

iv) As we know DNA evidence is not a substantive piece of evidence rather corroboratory in nature and it is trite that conviction cannot be passed mere on corroboratory evidence... It has further been observed that Constitutional guarantee against self-incrimination as per Article 13 of the Constitution of the Islamic Republic of Pakistan 1973 also stands as safeguard against the DNA evidence. According to such Article no person shall be compelled to become witness against himself. However, through statutory law it is permitted to conduct DNA sampling of an accused who is under the charge of rape, as mentioned in section 53A of Cr.P.C. Such DNA evidence can only be used in conjunction with other substantive evidence to record the conviction against the accused otherwise conviction solely on the basis of DNA evidence would be unconstitutional.

v) After resiling of the complainant, learned trial Court must have acquitted the accused under section 265K of Cr.P.C., because there remained no probability of conviction any more.

Conclusion: i) A witness who changes his stance cannot be considered as truthful witness and his testimony should not be relied upon.

ii) The word testimony was derived from word “Testis” where ‘Te’ stands for ‘Tri’ (third) and ‘Stis’ means ‘stance’ or ‘stand’, so ‘testis’ means ‘third stand/stance’. A witness is the person who provide third stance to the court in adversarial system.

iii) No probability of conviction remains there and then in a case when complainant resiles from his earlier stance; in case of resiling of witness situation remains open to get a support to the testimony of the complainant through other forms of evidence

iv) DNA evidence is not a substantive piece of evidence rather corroboratory in

nature and conviction solely on the basis of DNA evidence would be unconstitutional.

v) After resiling of the complainant there remains no probability of conviction and the court must acquit the accused.

47. Lahore High Court
Muhammad Haris v. The State and another
Crl. Revision. No.133 of 2025
Mr. Justice Muhammad Amjad Rafiq
<https://sys.lhc.gov.pk/appjudgments/2025LHC2230.pdf>

Facts: The petitioner being the accused of a case FIR, after getting his statement recorded u/s 342 CrPC, filed an application u/s 265F(7) CrPC for summoning of record of a 'receipt' from a hospital to discard the presence of witnesses at the crime scene at the relevant time; but was dismissed by the learned Adl. Sessions Judge.

Issues:

- i) What are the requirements and exceptions thereto, of defence application u/s 265F(7) CrPC for summoning a document?
- ii) Whether a person attending court to produce document, could be examined as a witness and cross-examined?
- iii) What is the role of the court in determining the mode and manner for production of a document in evidence?

Analysis:

- i) There is no cavil that Court is bound to summon any document requested by the defence under section 265-F(7) of the Code, unless it considers that the application is made for the purpose of vexation or delay or defeating the ends of justice. For summoning of any document, only the destination where it is lying or being kept is required to be written in the application filed for the purpose which has been done by the petitioner while mentioning the name of Laeeq Rafique Hospital with its address, Bahawalpur Road Multan; therefore, as per section 265 F (7) read with section 94 of the Code, Court was bound to issue notice to In-charge of said Hospital to produce the 'receipt' through any authorized person.
- ii) In pursuance to Court order, when the authorized person appears in the Court with requisite document/record, the process mentioned in Article 134 of the QSO 1984 shall follow, which is as under;
 134. Cross-examination of person called to produce a document: A person summoned to produce a document does not become a witness by the mere fact that he produces it and cannot be cross-examined unless and until he is called as a witness.
 Statement of such authorized person shall not be recorded as PW, DW or CW because he is not the witness of any party rather appearing simply in representation of record keeper of the Hospital to depose about fact of availability/existence of document in the record. Such person would depose that as per hospital record, it is reflected that receipt was issued by, and received by,

the persons named therein on such & such date, but if he is not the author of said receipt and also has not been summoned as a witness, he cannot be subjected to cross examination, which is the command of Article 134 of the QSO 1984.

iii) It is trite that mere marking a document for exhibition does not fulfill the requirement of its admissibility into evidence until it is proved through mode and manner prescribed in the QSO 1984. Reliance in this respect is placed on a case reported as “Mst. AFIA AMBRINE Versus ADDITIONAL DISTRICT JUDGE, SIALKOT and 14 others” (PLD 2025 Lahore 124). In the present case the issue of ‘receipt’ requires proof of two facts, i.e., existence of receipt, and issuance of receipt by Laeeq Rafique Hospital, and it is for the trial Court to decide which fact is first to be proved as ordained under Article 131 (3) of the QSO 1984... Thus, Court had a discretion either to allow admission of receipt first into the evidence and then require evidence to prove its formal issuance from the hospital, or vice versa; therefore, observation of trial Court that by exhibiting ‘receipt’ in the statement under section 342 of the Code needful has been done, does not reflect correct application of law as per above Article.

- Conclusion:**
- i) The court is bound to summon any document requested by the defence u/s 265F(7) CrPC; unless the court considers the applications made for purpose of vexation or delay or defeating the ends of justice. The destination where the summoned document is lying or being kept is required to be written in the application.
 - ii) The statement of person appearing to produce document shall not be recorded as PW, DW or CW because he is not the witness of any party. He shall only be recorded to the effect of verification of record and entries thereupon.
 - iii) Mere marking a document as exhibit does not fulfill the requirements of its admissibility into evidence until it is proved through mode and manner prescribed by QSO; including two steps, first the production of document and secondly the verification of document from record.

48. Lahore High Court
Muhammad Baksh (deceased) through legal heirs and others v. Member Board of revenue and 11 others.
W.P.No. 5825/2005
Mr. Justice Abid Hussain Chattha
<https://sys.lhc.gov.pk/appjudgments/2025LHC2221.pdf>

Facts: Petitioners claimed to be cultivating land as mortgagees/tenants since 1965-66 as *Murtehnan*. They challenged consolidation orders that omitted their entries from revenue records.

Issue:

- i) Can longstanding entries of cultivation or tenancy rights be omitted during consolidation without violating Section 16 of the Punjab Consolidation of Holdings Ordinance, 1960?
- ii) Does lack of notice of consolidation proceedings justify condonation of

delay in asserting rights?

- Analysis:**
- i) It is conceded even in the impugned Orders that predecessor-in-interest of the Petitioners was in cultivating possession of a portion of land which was part of consolidation scheme as mortgagee. It is admitted that there were long standing entries in favour of the Petitioners in this regard in the cultivation column...long standing entries as mortgagee and / or tenancy rights of the Petitioners in the cultivation column existing prior to the scheme of consolidation could not have been omitted in view of Section 16 of the Ordinance."
 - ii) "Learned Lower court also took into consideration of the inordinate delay of 3-1/2 years which was not condoned... However... the Petitioners had adequately explained the delay in agitating their claim on the ground that they had no notice of the consolidation proceedings which fact is borne out from the record. Hence, the delay stood condoned by order dated 12.04.1997."

- Conclusion:**
- i) No, such entries cannot be omitted if they existed prior to consolidation.
 - ii) See above analysis No. ii.

49. Lahore High Court
Nizam ud Din v. Additional District Judge etc.
Writ Petition No.10620/2024
Mr. Justice Anwaar Hussain
<https://sys.lhc.gov.pk/appjudgments/2025LHC2300.pdf>

Facts: The petitioner challenges the judgment of the Appellate Court, which allowed the respondents' appeals and remanded the case with directions to implead the petitioner grandfather as a defendant under Order I Rule 10 CPC.

- Issues:**
- i) Whether the paternal grandfather is legally responsible for the maintenance of minor children when both parents lack the financial means?
 - ii) Whether the law favours piecemeal litigation, especially where a single comprehensive adjudication can resolve the matter?

- Analysis:**
- i) It is a settled principle of law that the primary obligation to maintain minor children rests with their father. However, in cases where the father is unable to fulfill this obligation either due to financial incapacity or willful neglect, the responsibility may shift to the mother and, if she is also indigent, to the paternal grandfather. This principle is firmly established in Islamic jurisprudence and finds authoritative articulation in terms of paragraph 370 quoted hereinabove. In these circumstances, the respondents were justified in filing an application to implead the petitioner in terms of paragraph 370 referred above. When the father is not in easy circumstances and the mother lacks financial means, the obligation to maintain the minors may legally devolve upon the paternal grandfather.
 - ii) Such fragmented litigation not only burdens the judicial system but also prolongs relief to the minor grandchildren of the petitioner, whose welfare must

remain the paramount consideration. Suffice to state that the law does not favour piecemeal litigation, especially where a single comprehensive adjudication can resolve the matter. The Courts are duty-bound to avoid wastage of judicial resources and prevent litigants from being entangled in repetitive legal proceedings. This principle is applicable with greater vigour and force in family cases as the provisions of CPC are not applicable and the Family Court under the law is vested with power and jurisdiction to regulate its own procedure.

Conclusion: i) Paternal grandfather is legally responsible for the maintenance of minor children when both parents lack the financial means.
ii) Law does not favour piecemeal litigation, especially where a single comprehensive adjudication can resolve the matter.

50. Lahore High Court
Muhammad Imran v. Government of Punjab etc.
W.P No.2355/2025
Mr. Justice Anwaar Hussain
<https://sys.lhc.gov.pk/appjudgments/2025LHC2544.pdf>

Facts: The Punjab Public Service Commission (the "Commission") announced recruitment for 22 posts, and the petitioner secured the second position on the waiting list. After two selected candidates did not join, two vacancies arose. The petitioner applied for these vacancies, but the Administrative Department delayed the process, requesting only one candidate's recommendation from the Commission. When the Department later sought the petitioner's recommendation, the Commission declined, citing the expiration of the waiting list and the need for fresh recruitment. Hence, present constitutional petition.

Issues: i) How might ignoring existing vacancies affect eligible candidates during the recruitment process?

Analysis: i) Waiting for the vacancies to accumulate, on account of superannuation, promotion, or sanctioning of additional posts, while ignoring existing vacancies, arising from the recently concluded recruitment process in respect of which waiting list is valid, risks denying eligible candidates their rightful chance of appointment. Worse, it may render them (eligible candidate in waiting list) overage for future recruitments. Such an approach undermines the utility of waiting list and frustrates the legitimate expectations of candidates who have already undergone the rigors of the competitive selection. A structured, consultative process between Government and the Commission must ensure that every arising vacancy is dealt with promptly, and the rights of candidates are not defeated by the administrative indecision.

Conclusion: i) It risks denying eligible candidates their rightful chance of appointment.

51. Lahore High Court
Muhammad Ali Shah v. Inspector General of Police, etc.
Writ Petition No.14059 of 2020
Mr. Justice Anwaar Hussain
<https://sys.lhc.gov.pk/appjudgments/2025LHC2537.pdf>

Facts: The petitioner filed constitutional petition seeking direction to the respondents to recommend his name for the post of ASI. Through order, direction was passed by this Court to decide the application of the petitioner, which was dismissed by the Police Department, through impugned order on the ground that the Police Department is not obligated to seek substitute from the waiting list.

Issues i) What is purpose and object of waiting list of candidates?
 ii) Whether an administrative department of Government of the Punjab i.e. the Police Department, is under obligation to request the Commission for provision of substitute from the waiting list during period of validity of the list?

Analysis: i) The purpose of a waiting list is not merely procedural but practical, allowing the department(s) to fill the vacancies efficiently where a candidate from the original selection either fails to join or resigns, provided the vacancy occurs within the validity period of the list. The importance of maintaining and adhering to a waiting list by offering employment opportunities to the next eligible candidate(s) has been scrutinized by the Courts in numerous reported judgments. In case of Shabana Akhtar vs. District Coordination Officer, Bhakkar and two others (2012 PLC (C.S.) 366), a learned Division Bench of this Court emphasized the advantages of a merit-cum-waiting list and held that when a vacancy arises, it should be promptly filled from the waiting list, without initiating a fresh recruitment process and without keeping posts vacant for an extended period. The said learned Division Bench observed that waiting list could save public money, human resource and the requirement to resort to full-fledged recruitment process, which may take its own financial and administrative toll just to fill in one or two seats.

ii) This Court is of the opinion that the present controversy stems from the Police Department's failure to act fairly and transparently in the recruitment process by disregarding the importance of the waiting list, despite the consistent interpretation by the Superior Courts emphasizing its value/sanctity. The Police Department erroneously concluded that it had no obligation to demand a substitute, especially when the petitioner had approached the department through a proper application, within the 12-month validity period in terms of Regulation No.63 of the Punjab Public Service Commission Regulations, 2016....in cases where an eligible candidate from the waiting list makes a timely application for appointment against the resultant vacancy, the department concerned is under a legal and administrative obligation to deal with that request expeditiously. It cannot leave such an application pending for an indefinite period or brush it aside simply on the ground that the department is not under an obligation to recommend

the name of such a candidate. At the same time, it is acknowledged that during the currency of a waiting list, new vacancies may arise independently—such as due to superannuation, promotion to higher posts, or administrative sanction of additional posts of the same cadre/grade. Where the number of such new vacancies is significant, the department may reasonably decide that, instead of appointing only one or two candidates from the waiting list (e.g., against non-joined posts), it would be more appropriate to consolidate all such vacancies into a new recruitment cycle, even before the expiry of the validity period of the waiting list. However, even in such cases, the department must not act arbitrarily. If a candidate from the waiting list has made an application pointing to a specific, available vacancy, the department must pass a reasoned and timely order—preferably within one month from the date of receipt of an application from the candidate from waiting list. This enables the candidate to exercise an informed choice: whether to accept the rejection or to challenge the same or to prepare for the next recruitment process. The use of the waiting list, as held in the case of *Shabana Akhtar supra*, promotes economic efficiency and continuity of service, and its utility should not be defeated by inertia on the part of the administrative department concerned. An administrative department—the Police Department in the present case, cannot be allowed to ignore a vacancy, refuse to recommend a candidate from the waiting list without giving any reasons, and also fail to start a fresh recruitment process. If the department delays the matter in this manner and let the validity period expire, it cannot later take shelter behind the lapse of time. Such conduct amounts to unfair administrative practice and is legally unacceptable.

Conclusion: i) See above analysis No.i
ii) See above analysis No.ii

52. Lahore High Court
Muhammad Fahad v. Inspector General of Police etc.
Writ Petition No.7684/2024
Mr. Justice Anwaar Hussain
<https://sys.lhc.gov.pk/appjudgments/2025LHC2614.pdf>

Facts: In recruitment process the petitioner was non-suited by the respondent department of Police owing to concealment of fact of registration of criminal case/FIR against the petitioner. Hence the Writ was filed by him.

Issues: i) Whether in recruitment process of public employment a candidate can be disqualified if he conceals the fact of registration of criminal case against him?
 ii) How the discretion to assess the integrity, especially the assessment of disclosure of facts, can be exercised?
 iii) What is distinction between non-disclosure and wilful concealment of facts?
 iv) In which circumstance the concealment of the case can be imputed to someone and how it offends the principle of natural justice?

- v) Whether without wilful concealment of facts a candidate can be penalized for an act of concealment?
- vi) How the Rules or the Standing Order should be applied, particularly, when there is no material suggesting any wilful concealment of fact of registration of FIR?

Analysis:

- i) This Court is well aware that public employment—whether in the police department or any other government department—must be strictly based on merit, and it is imperative that individuals of the highest integrity are appointed to serve the public. Similarly, the authority of the police department to scrutinize the antecedents of candidates, in terms of the Rules and/or the Standing Order, is neither questioned nor undermined and if concealment of any fact particularly with reference to registration of criminal case is found, such candidate can be disqualified.
- ii) Suffice to observe that the discretion to assess the integrity must be exercised judiciously and, in a manner, consistent with principles of fairness, equity and the constitutional guarantees. Disclosure of facts must be assessed through the lens of reasonableness.
- iii) There is a clear distinction between non-disclosure and wilful concealment, and the latter presupposes the existence of knowledge—actual or constructive—at the time when disclosure is expected. There must be a direct and conscious nexus between what was allegedly concealed or not disclosed and what the individual knew or, in the circumstances, reasonably ought to have known.
- iv) In the absence of any evidence suggesting that the petitioner had knowledge of the case at the relevant time, no element of concealment can be imputed to him. To do so would not only be irrational, but would also offend the principles of natural justice and proportionality.
- v) The law does not demand the impossible. Penalizing a candidate in such circumstances not only ignores the essence of wilful concealment but also defeats the principle of *actus non facit reum nisi mens sit rea*—the act is not culpable unless the mind is guilty. Therefore, in the absence of any culpable mental state, the inference of concealment is wholly unsustainable.(---) The selection process ought to reward merit and fairness and not penalize the candidates for circumstances entirely beyond their control.
- vi) This Court is of the opinion that the Rules or the Standing Order referred hereinabove should not be construed so broadly or rigidly so as to defeat the legitimate expectations of the meritorious candidates, particularly, when there is no material suggesting any wilful concealment of factum of registration of criminal case. Misinterpretation or overreach in applying the Rules risks exclusion of deserving individuals, and ultimately undermines the very standard of integrity, the Rules seek to uphold.

- Conclusion:** i) In recruitment process of public employment a candidate can be disqualified if he conceals the fact of registration of criminal case against him.

- ii) See above analysis No.ii.
- iii) See above analysis No.iii
- iv) See above analysis No.iv
- v) Without wilful concealment of facts a candidate cannot be penalized for an act of concealment.
- vi) See above analysis No.vi

53. Lahore High Court
Muhammad Ali Shah v. Inspector General of Police, etc.
Writ Petition No.14059 of 2020
Mr Justice Anwaar Hussain
<https://sys.lhc.gov.pk/appjudgments/2025LHC2607.pdf>

Facts: The Punjab Police invited online applications through Punjab Public Service Commission for recruitment against 13 posts of Assistant Sub-Inspector/BPS-11 (“ASI”). Merit list was prepared but the petitioner could not qualify however, he stood at Serial No.1 of the waiting list. One of the selected candidates left the post. Neither the Police Department nor the Commission initiated the process of appointing the candidates from the waiting list, which constrained the petitioner to file constitutional petition. Direction was passed to decide the application of the petitioner, which was dismissed by the Police Department, through impugned order on the ground that the Police Department was not obligated to seek substitute from the waiting list. Hence, this constitutional petition.

Issues:

- i) What is the purpose of preparing a waiting list?
- ii) What is the importance of maintaining and adhering to a waiting list?
- iii) What does the selective application of the rules reflect?
- iv) What are the government departments obligated to do with regard to departmental practice?
- v) What will be the effect of selective application of rules and arbitrary deviation from departmental practice?

Analysis:

- i) The purpose of a waiting list is not merely procedural but practical, allowing the department(s) to fill the vacancies efficiently where a candidate from the original selection either fails to join or resigns, provided the vacancy occurs within the validity period of the list (...) The use of the waiting list, as held in the case of *Shabana Akhtar* supra, promotes economic efficiency and continuity of service, and its utility should not be defeated by inertia on the part of the administrative department concerned.
- ii) The importance of maintaining and adhering to a waiting list by offering employment opportunities to the next eligible candidate(s) has been scrutinized by the Courts in numerous reported judgments. In case of *Shabana Akhtar vs. District Coordination Officer, Bhakkar and two others* (2012 PLC (C.S.) 366), a learned Division Bench of this Court emphasized the advantages of a merit-cum-waiting list and held that when a vacancy arises, it should be promptly filled from

the waiting list, without initiating a fresh recruitment process and without keeping posts vacant for an extended period. The said learned Division Bench observed that waiting list could save public money, human resource and the requirement to resort to full-fledged recruitment process, which may take its own financial and administrative toll just to fill in one or two seats. Similarly, in the case reported as *Asad Abbas vs. Government of the Punjab through Secretary Cooperative Societies Department, Lahore and others* (2024 PLC (C.S.) 142), through judgment dated 20.09.2021, this Court held that if a selected candidate does not join, the department is obligated to offer the appointment to the next candidate on the merit list and if this process is not initiated, the fault lies with the department for failing to proactively seek a substitute and the petitioner in that case was held not liable to suffer due to the lapse or negligence of the department (...). In case reported as *Dr. Sumera Tabassum vs. F.P.S.C and others* (2016 SCMR 196) where the requisition was not made by the administrative department after lapse of validity period of the waiting list, the Supreme Court held that such lapse cannot be attributed to the candidate and the validity period could be extended on justifiable grounds.

iii) Selective application of the rules reflects arbitrariness and discrimination, undermining the principles of merit, equality, and legitimate expectation.

iv) The government departments are obligated to remain consistent in application of their departmental practice.

v) Any selective and arbitrary deviation is preposterous, to say the least, and is a set recipe for corruption at the cost of and to the detriment of transparency and fairness which, in itself, has the potential to hit back at the functioning of the department and service delivery standards.

- Conclusion:**
- i) The purpose of a waiting list is to help the department(s) efficiently fill vacancies if a selected candidate does not join or resigns within validity period of the list.
 - ii) See above analysis No. ii
 - iii) Selective application of the rules reflects arbitrariness and discrimination.
 - iv) The government departments are to apply the departmental practices consistently.
 - v) Selective and arbitrary deviations undermine transparency and fairness, foster corruption, and ultimately harm departmental functioning and service delivery.

54. Lahore High Court
Afzal Hussain Versus Mst. Irshad Bibi etc.
Mr. Justice Anwaar Hussain
W.P No.3883/2025
<https://sys.lhc.gov.pk/appjudgments/2025LHC2306.pdf>

Facts: A suit was filed for recovery of dower and maintenance, which the Trial Court decreed, but it omitted gold ornaments in the decree sheet despite deciding in favor of the respondent. The Appellate Court corrected this procedural lapse without a cross-appeal, and the High Court upheld the correction, dismissing the

constitutional petition.

- Issues:**
- i) Can constitutional jurisdiction of High Court be invoked to assail an order against which appeal and revision are explicitly barred?
 - ii) Whether appellate court can order for correction of some mistake of trial court in concluding paragraph of judgment and in decree sheet even though it has not been challenged by the person affected by such mistake?

- Analysis:**
- i) Learned counsel for the petitioner could not deny that a meager amount of maintenance i.e., Rs.3,000/- per month with 10% annual increase was granted to the respondent till her entitlement, against which appeal was not maintainable. It is settled law that where the statute explicitly puts a bar on assailing an order by way of filing appeal, revision or so, constitutional jurisdiction of this Court cannot be invoked as it will tantamount to circumvent the intent and will of the legislature and frustrate the explicit provision of law.
 - (ii) The lapse in question was a procedural error on part of the Trial Court as it failed to incorporate complete relief in the concluding paragraph of its judgment and prepare the decree sheet properly, despite the decision rendered in favour of the respondent. Suffice to observe that appeal is continuation of the suit and the Appellate Court below, in exercising its jurisdiction, noted this procedural deficiency and rectified it, ensuring that the judgment was fully implemented as intended by the Trial Court, a step that is not only procedurally permissible but also necessary to give effect to the substantive relief already granted by the Trial Court while deciding issue No.1. In this context, even though the respondent did not file a separate appeal concerning the Trial Court's procedural lapse, the Appellate Court's below intervention was justified. The Courts have inherent powers to make orders necessary for the ends of justice or to prevent abuse of the Court's process... Moreover, the order of the Appellate Court below serves a practical purpose. It prevents the prolongation of the litigation. If procedural errors of the Trial Court are not corrected at the appellate stage, the issue would likely be raised again during the execution phase of the decree, which would not only delay the resolution of the matter but would also risk of creating a situation where the judgment debtor—the petitioner in present case, could exploit any ambiguity or error in the decree of the Trial Court to delay or avoid the compliance.

- Conclusion:**
- i) Where the statute explicitly puts a bar on assailing an order by way of filing appeal, revision or so, constitutional jurisdiction of High Court cannot be invoked.
 - ii) Yes, appellate court can order for correction of any such mistake even though it has not been challenged by the affected person.

55.

Lahore High Court
Rai Mumtaz Hussain Babar v. The State and another
Criminal Misc. No. 9011-B of 2025
Mr. Justice Sultan Tanvir Ahmad.

<https://sys.lhc.gov.pk/appjudgments/2025LHC2561.pdf>

- Facts:** The petitioner seeks pre-arrest bail in a criminal case registered against him under sections 420, 468, 471, 161, 162 and 34 of Pakistan Penal Code, 1860 read with section 5(2) of the Prevention of Corruption Act 1947.
- Issues:**
- i) What is the “rule of consistency”?
 - ii) When the merits of the case are restricted from being considered in pre-arrest bail?
 - iii) When can the courts travel to the merits of the case?
- Analysis:**
- i) While discussing the applicability of rule of consistency and doctrine of parity in criminal cases including bail matters, the Supreme Court in case titled *“Muhammad Nadim Versus The State and another”* encapsulated that where the incriminating and ascribed role to an accused is one and the same as that of the co-accused then the benefit to one should be extended to other on the principle that like cases should be treated alike.
 - ii) There are several judgments including *“Shahzaib and Others Versus The State”* case restricting the Courts to consider merits of the case in pre-arrest bail petitions, when explanation for the absence of the accused person in his first petition is not satisfactory.
 - iii) There is clear command of law settled by the Supreme Court in *“Shazaib and Others”*, *“Azam Saleem”* and *“Rao Qadeer Khan”* cases (supra) that the Courts can travel to merits only upon satisfactory explanation given for the absence of the accused.
- Conclusion:**
- i) When an accused shares the same role as a co-accused, the benefit granted to one should be extended to the other, following the principle of equal treatment.
 - ii) The Courts are restricted from considering the merits of the case in pre-arrest bail petition, when explanation for the absence in his first petition is not satisfactory.
 - iii) The Courts can travel to merits only upon satisfactory explanation given for the absence of the accused.

56. Lahore High Court
Rasheed Ahmad v. Additional District Judge and 08 Others
Writ Petition No. 63942 of 2024
Mr. Justice Sultan Tanvir Ahmad
<https://sys.lhc.gov.pk/appjudgments/2025LHC2559.pdf>

- Facts:** The petitioner filed a constitutional petition asserting that he, being the surety for a judgment debtor, should be discharged from liability under the surety bond upon the death of the judgment debtor, arguing the decree should now be satisfied from the deceased’s estate. The decree in question pertained to maintenance allowance and dowry articles.

Issues: i) Whether the death of the judgment debtor absolves the surety from his liability under a surety bond executed during the debtor's lifetime?
 ii) What is the scope of liability of a surety under Section 145 of the Code of Civil Procedure, 1908, in relation to the execution of a decree or order?

Analysis: i) The death of judgment debtor cannot in law release the surety from his obligation when there is no stipulation to that effect in the bond. Reference in this regard can be made to the cases titled "Laxman Versus Gorakhji" (**A.I.R. 1920 Nagpur 275 (2)**) and "Hashmali Versus V. Begwant" (**A.I.R. 1922 Nagpur 112**). This aspect was also examined by this Court in case titled "Zulfiqar Ali and Others Versus Liaqat Ali and Others" (**PLD 2020 Lahore 350**)
 ii) Section 145 of the Code of Civil Procedure-1908 contemplates that when a person becomes surety for performance of any decree or its part, or restitution of any property taken in execution of decree or payment of any money under an order of the Court in any suit proceedings, the decree can be executed against him to the extent for which the surety has rendered himself personally liable in the manners, therein.

Conclusion: i) The surety remains liable under the bond despite the death of the judgment debtor.
 ii) See above analysis No ii.

57. Lahore High Court
Province of Punjab and 3 others v. Mst. Nazira Saif
I.C.A. No.73541 of 2022
Mr. Justice Sultan Tanvir Ahmad, Mr. Justice Hassan Nawaz Makhdoom
<https://sys.lhc.gov.pk/appjudgments/2025LHC2449.pdf>

Facts: The husband of the respondent, a police constable, suffered firearm injuries during an encounter while on duty, leading to the removal of a kidney. He remained under treatment and later passed away. The respondent sought declaration of 'Shaheed' status for her deceased husband, which was initially allowed by the learned Judge-in-Chamber and challenged by the appellants through this Intra Court Appeal.

Issues: i) Whether a claimant seeking declaration of 'Shaheed' is required to prove causation to the standard applicable in criminal proceedings?
 ii) Whether the benefit of doubt in cases involving uncertain medical causation should favour the claimant or the department opposing the claim?
 iii) Whether Rule 12 of the Police (Award of Compensation) Rules, 1989 excludes cases where death occurs after a time lapse from the incident?
 iv) Whether a liberal interpretation should be applied to beneficial legislation concerning Shaheed status when death occurs after some passage of time from injury?

- Analysis:**
- i) Pursuer of such cause to seek declaration of Shaheed, as involved in the present case, cannot be burdened with any higher degree of proof, over and above already discharged by the respondent-widow in this case. It looks that police- department is expecting pursuer of declaration of Shaheed to discharge the burden up to the standard required in criminal cases. The approach is misplaced, therefore, repelled.
 - ii) Next is the effort by appellants to have refuge of little uncertainty in the opinion of medical board. We would like to refer the approach adopted in *McGhee versus National Coal Board* [1972] 3 All ER. While dealing with a case of employer's liability, when honest medical evaluation could not segregate the causes to reach a definitive conclusion, Lord Wilberforce opined: (...) *In many cases of which the present is typical, this is impossible to prove, just because honest medical opinion cannot segregate the causes of an illness between compound causes. And if one asks which of the parties, the workman or the employers should suffer from this inherent evidential difficulty, the answer as a matter in policy or justice should be that it is the creator of the risk who, ex hypothesi, must be taken to have foreseen the possibility of damage, who should bear its consequences.* (Underlining is added).
 - iii) The learned Law Officer has also referred to Rule 12 of the Police (Award of Compensation) Rules, 1989 and argued that the present case does not fall within its scope due to the difference of time period between incident and the death (...) We see no ambiguity in the above rule, which covers officers / officials killed in encounters and also includes the officials killed during watch and ward duties.(...) The above quoted rule does not make any distinction between a death on the day when the incident took place from death that has taken place after passage of some duration of the incident. In case titled "Asad Imran and another versus Inspector General of Police, Punjab Lahore and others" (2023 PLC (C.S.) 1013), when police-department denied Shaheed package to a pursuer, this Court held that if rules are capable of bearing a reasonable interpretation favourable to the employee then such interpretation should be preferred.
 - iv) The learned Sindh High Court in C. P. No. D- 570 of 2022 (2022 SHC 228) adopted liberal approach while construing legislation of the Province of Sindh vis-à-vis Shaheed package or declaration of Shaheed, for the reason that the same is a beneficial legislation. Reference to this case is significant as in the said case death of Shaheed took place after some passage of time of sustaining injuries.(...) *The denial of according the status of 'Shaheed' to the petitioner's Husband is not sustainable as the said order of early retirement, fails to take into account the spirit of the law, which is to confer such status on police officers/officials who are killed in the performance of their functions in such eventualities as envisaged by the aforesaid law that includes the loss of life during watch and ward duty.* (Emphasis Supplied).

- Conclusion:**
- i) A claimant seeking Shaheed status is not required to prove the case to the criminal standard of proof.

- ii) Where medical causation is uncertain, the burden of evidential doubt must fall on the department opposing the claim.
- iii) Rule 12 of the 1989 Rules does not exclude cases where death occurs after a lapse of time from the incident.
- iv) Beneficial legislation concerning Shaheed status must be interpreted liberally to include delayed deaths resulting from duty-related injuries.

58. Lahore High Court
Asif Mehmood v. Additional District Judge, etc.
Writ Petition No.68712 of 2022
Mr. Justice Raheel Kamran
<https://sys.lhc.gov.pk/appjudgments/2025LHC2359.pdf>

Facts: The petitioner challenged concurrent findings of the courts below whereby respondent's suit for recovery of deferred dower, dowry articles, and maintenance was decreed. The Family Court had decreed dissolution of marriage by way of khula and subsequently decreed claims for deferred dower and alternate value of dowry articles.

Issues:

- i) Whether, after the declaration of sub-sections (5) and (6) of Section 10 of the Family Courts Act, 1964 as repugnant to the injunctions of Islam by the Federal Shariat Court, a wife is automatically required to return the dower upon obtaining khula?
- ii) What principles under Islamic law govern the distinction between talaq and khula and the requirement of returning dower?
- iii) What determines a wife's entitlement to deferred dower upon seeking khula under Islamic law and contract principles?

Analysis: i) It is important to note that Sub-section (5) and (6) were added to Section 10 of the Act through the Punjab Family Courts (Amendment) Act 2015 (Punjab amendment), which became effective on 18.03.2015. (...) However, sub-section (5) and (6) of section 10 of the Act have been declared as repugnant to the injunctions of Islam by the Federal Shariat Court in the case of Imran Anwar Khan and others v. Government of Punjab (...) When it comes to the rules for such determination by the court, in the Imran Anwar Khan's case (supra), it has been held by the Federal Shariat Court that where the wife obtains khula merely on the basis of disliking against the husband the dower received by the wife is returnable. It was also held in the referred case that where wife seeks khula due to fault on the part of the husband by providing reasonable justification, it is not valid to require from her return of the dower already received by her. In such eventuality, it is on the court to determine, keeping in view facts and circumstances of the case, that how much return of the already received benefits by the wife would be appropriate. This view was reiterated by the Federal Shariat Court in the case of Haji Saif-ur-Rahman Shaheen v. Islamic Republic of

Pakistan. (...) Therefore, the return or surrender of dower by the wife is not an automatic consequence in each and every case of khula

ii) Islamic law recognizes khula as a method for the dissolution of marriage, analogous to talaq, but they differ significantly in their initiation, procedures, and consequences. Talaq is primarily the right of the husband to unilaterally dissolve the marriage. In case of talaq, the husband is precluded from claiming the dower, gifts, or other benefits which he had already given to the wife. The origin of this rule is the command ordained in verse No.229 of Surah Al-Baqra.(...) Surah Al-Nisa , in verse 20 and 21 also explicitly restricts a husband from claiming back the dower or any other benefits he has given to a wife he wishes to divorce. (...) The concept of khula is also based on verses No.228 and 229 of Surah Al-Baqarah. Practical application of khula is found in the instances in the lifetime of the Holy Prophet and thereafter. It is in this context that khula is initiated by the wife with the consent of the husband, or where the husband does not consent, by a judicial decree that is obtained on the wife's application. In khula, the wife may be required to give some consideration to the husband for her release from the marital bond.(...) As per para 289-A(a) of the Principles of Muhammadan Law by D.F. Mulla, dower becomes confirmed by consummation of marriage. Para 336(2) of the Principles of Muhammadan Law ibid provides that if the marriage was consummated, the wife becomes entitled to immediate payment of whole of the unpaid dower both prompt and deferred. These rules have been delineated in compliance of the command in verses No.20 and 21 of Surah Al-Nisa referred above.

iii) Nikahnama is a valid and binding contract between the parties. Deferred dower is a contractual obligation undertaken by the husband. Unless there are valid legal grounds to deviate from the terms of this contract, husband is bound to fulfill his obligation. The mere fact that the wife sought khula does not automatically nullify this contractual obligation. In order to determine entitlement of a wife seeking khula to the claim qua deferred dower, key consideration is the reason for her seeking khula. Where a wife seeks khula on the ground of disliking against the husband, without any fault on the part of the husband, she loses her right to deferred dower in the same way as in the case of prompt dower. Conversely, if the husband's conduct compels the wife to seek dissolution, she retains her entitlement to the deferred dower.

- Conclusion:**
- i) Sub-sections (5) and (6) of Section 10 of the Family Courts Act, 1964 ceased to have legal effect from 01.05.2022, and the return of dower in khula is not automatic but depends upon circumstances.
 - ii) Talaq and khula differ under Islamic law in initiation, procedure, and consequences, and in khula, the wife may be required to return consideration for dissolution of the marriage.
 - iii) A wife's entitlement to deferred dower upon khula depends on whether dissolution was sought due to the husband's fault or mere dislike.

59. Lahore High Court
M/s Olympia Chemical Ltd. through Mr. Azhar Hussain Shamim General Manager Services v. Government of the Punjab through Secretary (Board of Revenue) and others
Writ Petition No.49822 of 2022
Mr. Justice Raheel Kamran
<https://sys.lhc.gov.pk/appjudgments/2025LHC2291.pdf>

Facts: The petitioner, M/s Olympia Chemical Ltd., a long-established manufacturer of Soda Ash and Sodium Bicarbonate, sought the acquisition of additional private land through government intervention under the Land Acquisition Act, 1894, to expand its industrial facility. Despite initial administrative processes, including deposit of compensation and evaluation by authorities, the Government of Punjab ultimately declined the acquisition request, citing lack of public purpose. The petitioner challenged the resulting report and order, asserting that expansion of an existing industry served a public utility.

Issues:

- i) Whether a law, custom, or usage having the force of law can remain valid if it is inconsistent with the fundamental rights?
- ii) Article 23 of Constitution of Islamic Republic of Pakistan 1973.
- iii) Whether Article 24 of the Constitution permit compulsory acquisition of property outside the purposes explicitly stated in Article 24(3)?
- iv) Whether compulsory acquisition of property for a company's commercial purposes, without satisfying the public purpose requirement or exceptions under Article 24(3), is constitutionally permissible?
- v) Purpose of Land Acquisition Act, 1984 and its enforcement in conformity with the Constitution.
- vi) Definition of “Company” in Section 3(e) of the Land Acquisition Act, 1894?
- vii) Can a statutory provision be narrowly interpreted by courts to preserve its constitutionality when it appears to violate fundamental rights?
- viii) Whether the State can compel landowners to surrender property for a private company’s commercial use without demonstrating a direct public utility?

Analysis:

- i) Article 8(1) of the Constitution postulates that any law, or any custom or usage having the force of law, insofar as it is inconsistent with the rights conferred by Chapter 1 of Part II shall, to the extent of such inconsistency, be void.
- ii) Article 23 of the Constitution grants every citizen the right to acquire, hold and dispose of property within Pakistan, subject to the Constitution and any reasonable restrictions imposed by law in the public interest.
- iii) Article 24 embodies protection of property rights, which inter alia postulates that no person shall be deprived of his property save in accordance with law. Sub-Article (2) of Article 24 ibid further restricts acquisition or taking possession of any property except for public purpose only and that too by the authority of law which provides for compensation therefor. Sub-Article (3) of Article 24 of the Constitution contains specified exceptions to the general rules articulated in the

first two provisions of Article 24 *ibid*, whereby validity of any law permitting compulsory acquisition or taking possession of any property has been made immune from challenge for certain purposes specified therein.

iv) Principle of harmonious construction of the provisions of Article 24 of the Constitution makes it abundantly clear that protection of property rights guaranteed under Article 24 of the Constitution is only abridged or taken away for compulsory acquisition or taking possession of it under any law for any public purpose or such other purpose as have been clearly specified in Article 24 (3) *ibid*. No provision of Article 24 permits compulsory acquisition or taking possession of any property by or under any law merely because the same is required for a Company for its commercial purposes. Conversely, if a property is acquired by law for any public purpose or any of the other purposes specified in Article 24(3) of the Constitution, the same is permissible subject to compensation therefor, regardless whether the request for acquisition is made on behalf of a Company or otherwise.

v) The law dealing with compulsory acquisition of land in Pakistan is the Land Acquisition Act, 1894. Purpose of the Act, according to preamble thereof, is to amend the law for the acquisition of land needed for public purposes and for companies as well as for determining the amount of compensation to be made on account of such acquisition...The Land Acquisition Act, 1894 is a colonial statute. Continuance in force and adaptation of such statutes is governed by Article 268 of the Constitution...In terms of Article 268 *ibid*, continuance in force of the Land Acquisition Act, 1894 is subject to the Constitution and with necessary adaptations until altered, amended or repealed by the appropriate legislature.

vi) “Company” has been defined in section 3(e) of the Act to mean a Company registered under the Companies Ordinance, 1984 or under the English Companies Acts, 1862 to 1890 or incorporated by an Act of Parliament of the United Kingdom or by Pakistan Law, or by a Royal Charter or letters patent and includes a society registered under the Societies Registration Act, 1860 and Cooperative Societies Act, 1912.

vii) It is well settled that a statutory provision, when read literally, leads to any violation of a fundamental right, or renders it without legislative competence, courts read such a provision narrowly to save it from invalidity. This is a rule of interpretation of statutes termed as “reading down”...The rule of reading down, when applied to the Land Acquisition Act, 1894 would permit acquisition of property only for public purpose or any other purpose specified in sub-Article (3) of Article 24 of the Constitution.

viii) Article 24(2) of the Constitution erects a formidable barrier against the Government’s use of authority for advancing private commercial interests. Article 23 of the Constitution, which guarantees the right to property, emphasizes that any restriction on this right must be reasonable and in the public interest. Compelling landowners to relinquish their property for a private company’s commercial gain, without a direct public utility, fails this test.

- Conclusion:**
- i) See above analysis No i.
 - ii) Article 23 of the Constitution grants every citizen the right to acquire, hold and dispose of property within Pakistan.
 - iii) See above analysis No iii.
 - iv) See above analysis No iv.
 - v) Purpose of the Act is to amend the law for the acquisition of land needed for public purposes and for companies as well as for determining the amount of compensation to be made on account of such acquisition.
 - vi) See above analysis No vi.
 - vii) See above analysis No vii.
 - viii) See above analysis No viii.

60. Lahore High Court
Abdul Ghafoor Ahmad, etc. v. Gujranwala Electric Power Company, etc.
W.P. No.22714/2020
Mr. Justice Hassan Nawaz Makhdoom
<https://sys.lhc.gov.pk/appjudgments/2025LHC2412.pdf>

Facts: Through this writ petition, the petitioners have assailed the Notifications under Section 4, 17(4) & 6 of the Land Acquisition Act, 1894, issued by the respondents/acquisition authorities. In addition, the petitioners have also assailed letters issued by respondent No.2/General Manager Operations, Gujranwala Electric Power Company (GEPCO).

Issues

- i) What is impact of urgency notification under section 17(4) & 6 of the Land Acquisition Act, 1894?
- ii) What is duty and responsibility of the acquiring agency in respect of acquisition process?
- iii) What is impact of price of the land raised in terms of its market value during the acquisition process?
- iv) What is duty of the Commissioner to exercise the power under subsection (4) of Section 17 of the Land Acquisition Act, 1894?

Analysis:

- i) It is evident that no plausible justification has been rendered as to why no further action was initiated by the respondents after issuance of Notification under Sections 17(4) & 6 of the Act despite lapse of more than a decade. It is surprising that even after issuance of Notification under Sections 17(4) & 6 of the Act, expressing urgency in acquisition of the subject land, there remained complete silence and inaction on part of the respondents till 2020. It is significant to note that the amount of misery and agony of a person, who is made to wait for the outcome of the proceedings resulting into deprivation of his property rights for an indefinite period by putting a fetter on enjoyment of such rights can be unimaginable¹. It is opined that the constitutional rights available to the

petitioners and guaranteed under Articles 23 and 24 of the Constitution cannot conveniently be brushed aside to the detriment of the petitioners.

ii) This Court is mindful of the fact that no definite timeline or stipulation is supplied in the statute. Notwithstanding the same, the petitioners cannot be made to hang in a lurch without reasonableness of actions on part of the respondents¹. The acquiring agency cannot remain indolent and sleep over the rights of the citizens by not concluding the acquisition process within a reasonable time as the land owners, whose lands were proposed to be acquired, could not be put to agony of uncertainty for such a long period. The issuance of Notification under Section 4 in 2008 and Notification under Sections 17(4) and 6 of the Act, in 2009, clearly demonstrates the lethargic, indolent, inactive and indifferent manner of the respondents (Acquisition Authorities) throughout the acquisition proceedings. It appears that the respondents (Acquisition Authorities) remained under a false pretence and impression that their discretion and actions were not subject to period constraints for time limitation. It also seems that this misinterpretation by the respondents (Acquisition Authorities) led them to cause this inordinate delay of more than a decade. Such cannot be the purpose and meaning of law of acquisition, which in no way can be taken to be an instrument of injustice, oppression, defeat and frustration for the citizens.

iii)... It is also observed that the subject land of acquisition must have attracted an exponential price raise in terms of its value since 2008/2009, causing financial loss to the petitioners as well as others having interest in the subject land of acquisition. In this regard reliance is placed on Government of Pakistan, Secretaries, Works, Communications and Physical Planning v Tauqir Ahmed Khan and others (1996 SCMR 968). The relevant excerpt of the judgment is as follows:-

“4. ... Even though the first notification of acquisition was issued in 1979 yet the proceedings for determination of the compensations payable to the contesting respondents had not been finalized till they filed writ petitions in the High Court in 1986. During this period the price of the land has escalated manifold. If the acquisition proceedings are allowed to continue the compensation which the contesting respondents will receive can hardly bear any proportion to the market value of their land on the day they approached the High Court. We cannot be a party to this manifest injustice...”

iv) It is observed that there is no cavil to the fact that before exercising of the power under subsection (4) of Section 17 of the Act, the Commissioner ought to have formed an opinion after duly considering the material placed before him. The grounds and circumstances forming basis of the opinion must have a direct nexus with the exercise of power conferred under subsection (4) of Section 17 of the Act and must not be based on irrelevant conditions.

Conclusion: i) See above analysis No.i
 ii) See above analysis No.ii
 iii) See above analysis No.iii
 iv) The Commissioner ought to have formed an opinion after duly considering the material placed before him.

61. Lahore High Court
Muhammad Arif v. Member (Judicial-V) Board of Revenue etc.
Writ Petition No. 50756/2019
Mr. Justice Malik Waqar Haider Awan
<https://sys.lhc.gov.pk/appjudgments/2025LHC2453.pdf>

Facts: The petitioner challenged the vires of orders whereby a revision petition, previously dismissed for non-prosecution, was restored and decided on merits without issuing notice to the petitioner.

Issues

- i) Whether the availability of a review under Section 8 of the West Pakistan Board of Revenue Act constitutes an adequate alternate remedy to bar the constitutional jurisdiction of the High Court?
- ii) Whether restoration of a case dismissed in the presence of the respondent/defendant without issuance of notice is legally tenable?
- iii) Whether deciding a case on merits on the same day of its restoration without notice violates the principles of natural justice and constitutional guarantees?
- iv) Whether a litigant can be prejudiced by the act or omission of the Court itself?
- v) What is the importance of the audi alteram partem principle in judicial proceedings?

Analysis:

- i) From bare reading of the afore-referred provision, it is very much clear that its purpose is limited only to the extent of clerical mistake and new facts. Even otherwise, the scope of review is limited to re-examination of the previous order. (...)Hence, in absence of aforementioned purposes, review neither lies nor maintainable and as such the said objection is not tenable in the eye of law. In these circumstances, it could not be deemed to be an adequate alternate remedy for restricting the exercise of constitutional jurisdiction.
- ii) It is a settled law that when a case is dismissed in presence of respondent/defendant, it cannot be restored without issuance of notice to him.
- iii) second application for restoration was filed on 18.07.2019 in the office of the Member (Judicial-IV), Board of Revenue, Punjab which was fixed in Peshi for 01.08.2019 and on the said date, the Member (Judicial-IV), Board of Revenue, Punjab in a very hasty manner restored the revision petition without issuing notice to the adversary party and also decided the same on merits which is not tenable in the eye of law and it amounts to condemning the other side unheard, which is in violation of Articles 4 and 10-A of the Constitution of Islamic Republic of Pakistan, 1973.

iv) It is a settled law that no party can be prejudiced from the act of Court and where any court did not comply with a mandatory provision of law or omitted to pass an order required by law in the prescribed manner, then the litigant/party could not be taxed, much less penalized for the act or omission of the court. It is a celebrated principle/maxim of law i.e. Actus Curiae Neminem Gravabit (an act of court shall prejudice no man).

v) It is said that even Satan was not condemned unheard and he was not unjustly judged and was also given an opportunity to defend. This principle, known as “audi alteram partem” (Latin for “hear the other side” or “no one should be condemned unheard”), is a fundamental aspect of natural justice and due process of law.

- Conclusion:**
- i) Review is not an adequate alternate remedy to bar constitutional jurisdiction as it is limited to clerical mistakes and new facts.
 - ii) A case dismissed in the presence of the respondent/defendant cannot be restored without issuing notice.
 - iii) Restoration and decision on merits without notice violate principles of natural justice and constitutional guarantees.
 - iv) No litigant can be prejudiced by the Court’s act or omission; courts must comply strictly with mandatory legal provisions.
 - v) See analysis No.v.

62. Lahore High Court

Rukhsana Yasmeen etc. v. Province of Punjab through Secretary Public Prosecution Department etc.

Writ Petition No. 51475/2023

Mr. Justice Ch. Muhammad Iqbal, Mr. Justice Malik Waqar Haider Awan

<https://sys.lhc.gov.pk/appjudgments/2025LHC2478.pdf>

Facts: The petitioners in writ petitions at Sr. No. 1 to 7 and 9 challenge their inter-district transfer orders issued by the Public Prosecution Department; the petitioners in petition at Sr. No. 8, contest an explanation letter/report regarding special instructions issued by the District Public Prosecutor, Lahore whereas petitioner in writ petition at Sr. No. 10 challenges the cancellation of his transfer order and his continued posting in Bahawalpur by claiming the impugned actions are unlawful and seek relief from the court.

Issues:

- i) Whether the Prosecution Act, 2006 or the Punjab Civil Servants Act, 1974 governs the service terms of prosecution employees?
- ii) Whether Article 212 bars ordinary courts from entertaining disputes relating to the terms and conditions of service of persons in the service of Pakistan or a Province?

Analysis:

- i) Under Section 6 of the Act 2006, the post of Prosecutor General is a tenure post and he has to be appointed by the Government for a term of 03 years which is

further extendable for a period of 02 years whereas rest of the employees of Prosecution Service are governed under the Punjab Civil Servants Act, 1974.

ii) Under Article 212 of the Constitution, the remedies provided cannot be assailed while using the word “hereinbefore” and the Administrative Courts and Tribunals are there to deal with the matters relating to the terms and conditions of service including disciplinary matters of persons who are in the Service of Pakistan. Service of Province also falls in the said purview as defined in Article 240 of the Constitution.

Conclusion: i) See analysis No i.
ii) The Administrative Courts and Tribunals are there to deal with the matters relating to the terms and conditions of service including disciplinary matters of persons who are in the Service of Pakistan.

63. Lahore High Court
Muhammad Asif v. Mst. Sumaira, etc.
Civil Revision No.54542 of 2024
Mr. Justice Malik Waqar Haider Awan
<https://sys.lhc.gov.pk/appjudgments/2025LHC2449.pdf>

Facts: The petitioner filed a suit for possession through specific performance based on an agreement to sell and later sought amendment to include additional properties; the suit was decreed ex parte, but the appellate court modified the judgment leading to the present civil revision.

Issues: i) Whether a party can lead evidence or succeed on a plea not taken in the pleadings?
 ii) Whether pleading itself can be treated as evidence in a case?
 iii) Whether a Court under Order VI Rule 17 CPC can allow amendment in the basic documents executed between the parties?
 iv) Whether a Court can amend the terms and conditions of an agreement without mutual consent of the parties?

Analysis: i) It is also a settled principle of law that a party cannot be permitted to lead evidence in respect of a plea not taken in the pleadings or to put it in another manner a party has first to plead and then to prove the said plea. In this regard, it would be expedient to refer to celebrated principle/maxim of law i.e. Secundum Allegata et-Probata (a party can only succeed according to what was alleged and proved).
 ii) In addition to above, it shall be important to mention here that pleading per se is not evidence rather pleading is the basic engine of litigation and whole controversy revolves around it.
 iii) It is very much clear and conspicuous that under Order VI Rule 17 CPC, Court can only allow amendment in the pleadings and not the basic documents which have been executed amongst the parties.

iv) The terms of an agreement, contract or document could only be amended or negotiated by the parties themselves with their mutual consent and as such it was not the mandate of learned trial court to allow any amendment in the terms and conditions of the agreement against the will of concerned party in the garb of amendment in the pleadings.

Conclusion: i) A party cannot lead evidence or succeed on a plea not taken in the pleadings.
 ii) Pleading itself cannot be treated as evidence.
 iii) A Court under Order VI Rule 17 CPC cannot allow amendment in the basic documents executed between the parties.
 iv) A Court cannot amend the terms and conditions of an agreement without mutual consent of the parties.

64. Lahore High Court
Muhammad Irshad v. Muhammad Ramzan and two others
Regular First Appeal No.206 of 2023
Mr. Justice Ahmad Nadeem Arshad, Mr. Justice Syed Ahsan Raza Kazmi.
<https://sys.lhc.gov.pk/appjudgments/2025LHC2528.pdf>

Facts: The plaintiff/ respondent, being the lawful owner of the suit property entered into a registered sale agreement with the appellant/defendant on 16.11.2019 for Rs. 12,00,00,000/-, receiving Rs. 20,00,000/- as earnest money with possession handed over to the appellant, while the remaining Rs. 11,80,00,000/- was to be paid as per the agreed schedule. The appellant allegedly failed to pay the balance amount despite a legal notice, leading the plaintiff to seek a declaration of rights, recovery of possession, and mesne profits with KIBOR interest. The trial court decreed the suit in the plaintiff's favor, leading the defendant to challenge the decision in this appeal on grounds that the judgment was erroneous or unjust.

Issues: i) Whether a plaintiff seeking specific performance or cancellation must prove readiness and willingness to perform, especially when alleging defendant's breach?
 ii) Whether deposit of the balance sale consideration on direction of the court is a mandatory precondition for claiming specific performance?
 iii) Whether new grounds beyond the pleadings can be raised at the appellate stage?
 iv) What ensures the bar on introducing new grounds beyond pleading on appellate stage?
 v) Whether non-framing of specific issues becomes inconsequential and immaterial when the parties have led evidence and are aware of the real controversy?
 vi) Whether readiness and willingness to perform his part of the agreement is a crucial requirement for claiming protection under Section 53-A of the Transfer of Property Act, 1882?

- vii) Whether failure to perform or show willingness under the contract bars the application of Section 53-A of the Act?
- viii) Who is entitled to benefit and relief under S.53-A of the Transfer of Property Act, 1882 and when?
- ix) Whether a person who fails to honor contractual commitments is disentitled from invoking Section 53-A of the Act?

Analysis:

- i) A well-established legal principle dictates that in suits seeking specific performance of a contract or cancellation of an agreement to sell, the party seeking relief must demonstrate its readiness to perform its contractual obligations, particularly when it alleges that the other party is evading its commitments.
- ii) By ordering the party to deposit the sale consideration or outstanding balance in court, the court aims to verify that the party possesses the necessary capacity and willingness to fulfill its obligations under the agreement. This is a condition precedent for seeking the relief of specific performance.
- iii) It is a well-established principle of law that parties are bound by their pleadings, and new grounds cannot be introduced at the appellate stage.
- iv) This ensures that parties do not unfairly expand or alter their case on appeal, and that the opposing party is not taken by surprise.
- v) It is well settled law that the non-framing of issues on specific point becomes inconsequential once evidence has been concluded, as parties are well aware of the controversy or dispute between them. Consequently, they present their evidence with the controversy in mind, rendering the omission to frame issues on certain points immaterial.
- vi) Willing to perform his part of the agreement is the last, but very crucial ingredient to be fulfilled for establishing protection under Section 53-A of the Act.
- vii) If the transferee does not claim that he or she performed the terms of the contract and is unable to convince the Court that he or she is willing to fulfil the obligation as provided under the contract, then the doctrine of part performance as embodied under Section 53-A of the Act is not applied.
- viii) It is trite law that a person executing a part of the agreement is granted benefits and relief under Section 53-A, only if it can be proven that he is ready and well-prepared to perform his part of the agreement.
- ix) A person who refuses to uphold his contractual commitments cannot receive the benefits of the provision.

Conclusion:

- i) In suits for specific performance or cancellation of a sale agreement, the party seeking relief must show readiness to perform its obligations, especially when alleging the other party's evasion.
- ii) Court orders to deposit sale consideration ensure the party's capacity and willingness, a prerequisite for specific performance relief.

- iii) Parties are bound by their pleadings, and new grounds cannot be raised at the appellate stage.
- iv) See above analysis No.iv)
- v) Non-framing of issues becomes irrelevant once evidence is concluded, as parties are aware of the dispute and present evidence accordingly.
- vi) Willingness to perform one's part of the agreement is a crucial requirement for protection under Section 53-A of the Act.
- vii) If the transferee fails to claim performance of the contract and cannot prove willingness to fulfill the obligations, the doctrine of part performance under Section 53-A of the Act does not apply.
- viii) A person executing part of the agreement is entitled to benefits under Section 53-A only if it is proven that they are ready and prepared to fulfill their obligations.
- ix) A person who refuses to fulfill his contractual commitments cannot benefit from the provision.

65. Lahore High Court
Sajjad Haider, etc. v. Syed Ali Rizwan Kazmi, etc.
W.P.No.307 of 2021
Mr Justice Malik Javaid Iqbal Wains
<https://sys.lhc.gov.pk/appjudgments/2025LHC2203.pdf>

Facts: Petitioners instituted a suit for recovery along with profit. They also preferred an application under Order XXXVIII CPC to attach the properties of respondents. The respondents turned up and filed written statement accompanying application under Order VII Rule 11 CPC. The trial court dismissed the respondents' application and accepted the petitioners' application. Both the parties assailed the order before the District Judge who, vide consolidated judgment, accepted the respondents' revision petition and rejected the plaint whereas the other revision petition was dismissed being infructuous.

Issues:

- i) When a plaint can be rejected under Order VII Rule 11(a) CPC and when it cannot be?
- ii) What is a cause of action and what kind of right does it provide for?
- iii) What is the statutory function of Order VII Rule 11 CPC?
- iv) What are the components of a plaint and how does their presence matter while applying Order VII Rule 11 CPC.?
- v) In what situation, rejection of plaint is permissible and necessary?
- vi) How should the Courts exercise the powers under Order VII Rule 11 CPC?
- vii) When can the Revisional Court interfere in the order of subordinate court?
- viii) What is the scope and extent of the powers of Revisional Court?

Analysis:

- i) Under Order VII Rule 11(a) CPC, a plaint can only be rejected when it does not disclose a cause of action and if the plaint contains essential facts demonstrating a legal injury, it cannot be rejected summarily under Order VII Rule 11 CPC.

- ii) A cause of action is a bundle of essential facts which, if traversed, give the plaintiff the right to seek legal remedy from a court of competent jurisdiction.
- iii) This provision functions as a threshold filter to prevent frivolous, vexatious, or legally untenable claims from being subjected to full trial proceedings.
- iv) A plaint must disclose, clear legal injury, right enforceable by law, and sufficient factual foundation to warrant judicial examination. Where these elements are present, rejection under Order VII Rule 11(a) CPC is unsustainable and impermissible.
- v) where a plaint is vague, speculative, or based on irrelevant assertions lacking legal basis, rejection is not only permissible but necessary to prevent judicial abuse.
- vi) Courts must exercise this power judiciously, ensuring that genuine claims proceed while legally unsustainable suits are filtered at inception.
- vii) Revisional Court is not meant to act as a second court of appeal. It can interfere only if there is a jurisdictional defect or material irregularity in the subordinate court's order.
- viii) Revisional court's power under Section 115 CPC is limited to correct jurisdictional errors. It cannot reassess facts or act as an appellate court. Revisional jurisdiction is supervisory in nature and should not be exercised as an appellate power. If the subordinate court has decided a matter based on reasonable grounds, interference is unwarranted.

- Conclusion:**
- i) A plaint can be rejected when it does not disclose a cause of action and it cannot be when it contains facts demonstrating a legal injury.
 - ii) A cause of action is a bundle of facts which, gives the right to seek legal remedy.
 - iii) See above analysis No. iii
 - iv) See above analysis No. iv
 - v) Rejection of plaint is permissible where a plaint is vague, speculative, based on irrelevant assertions and lacking legal basis.
 - vi) See above analysis No. vi
 - vii) Revisional Court can interfere only in cases of jurisdictional defect or material irregularity in the subordinate court's order.
 - viii) Power of Revisional court, under Section 115 CPC, is supervisory and limited to correct jurisdictional errors unlike that of the appellate court.

66.

Lahore High Court

Dilbar Masih v. Chairman, Punjab Labour Appellate Tribunal, Lahore etc.
Writ Petition No.2726 of 2023

Mr. Justice Malik Javid Iqbal Wains.

<https://sys.lhc.gov.pk/appjudgments/2025LHC2401.pdf>

Facts:

The petitioner along with other, employed as daily wage workers filed constitutional petition seeking their regularization under the Industrial and Commercial Employment (standing Orders) Ordinance, 1968 (the Ordinance)

asserting that they had been working against permanent posts for several years; Initially, treating their petitions as representations were transmitted to employer to decide the same strictly in accordance with law, but the same were rejected. They then filed grievance petitions under S.33 of the Punjab Industrial Relations Act, 2010, which were accepted by the Labour Court, directing their reinstatement and regularization. However, the Appellate Tribunal, on appeal, set aside that decision. The petitioners now challenge that appellate judgment through this constitutional petition, as well as connected petitions involving common legal and factual issues.

Issues:

- i) What are the implications of S.12(3) of the Ordinance 1968?
- ii) Whether terminating an employee's service through a verbal order amounts to a violation of labour rights and the principles of good governance?
- iii) Whether the status of an employee as permanent or temporary workman is to be determined by statutory law and constitutional principles, or by the administrative discretion of the employer?
- iv) Whether a statutory mandate overrides and takes precedence over the administrative discretion?
- v) Whether a statute that confers a right or particular standing can be arbitrarily denied by executive authority?
- vi) Whether the executive can deny a right that has crystallized by law, where service conditions meet statutory criteria?
- vii) Whether the doctrine of equality requires the State to act fairly, justly, and equitably, and prohibits discriminatory treatment by public authorities?
- viii) Whether termination of service without notice or written order violates Section 12(3) of the Ordinance and infringes upon the right to livelihood under Article 9 of the Constitution?

Analysis:

- i) The court failed to consider the implications of Section 12(3), which mandates that no workman shall be terminated, removed, retrenched, discharged, or dismissed except by a written order explicitly stating the reasons for such action.
- ii) The termination of service through a verbal order is not only inconsistent with the labour and service laws but also violates the principles of good governance.
- iii) This is not a matter to be resolved by the internal policy preferences or administrative will of the employers, but rather, it is a matter of statutory interpretation and constitutional enforcement, squarely governed by the Industrial and Commercial Employment (Standing Orders) Ordinance, 1968, which must be adjudicated in the light of both objective legal standards and the constitutional imperatives of equality, fairness, and due process.
- iv) A statutory mandate exists, it overrides and takes precedence over administrative discretion.
- v) Where a statute confers a right or a particular standing, no executive authority can arbitrarily deny it to the petitioners.

- vi) The executive has no discretion to deny a right that has crystallized by operation of law. Where the service conditions satisfy the criteria set out in a statute, the resulting status is enforceable as a matter of right.
- vii) The doctrine of equality is not a mere formality; it mandates the uniform application of legal standards to individuals in similar situations. When the State acts, it must do so fairly, justly, and equitably. Discriminatory treatment by a public authority contravenes the provisions of the Constitution.
- viii) Termination of service without notice or written order is patently unlawful, as it violates Section 12(3) of the Ordinance, which mandates a written order with stated reasons for termination. Termination through verbal orders or silent exclusion is not only procedurally defective but also infringes upon the right to livelihood, a fundamental aspect of Article 9 of the Constitution, which guarantees the security of person. The right to livelihood is an inseparable part of the right to life, and any arbitrary deprivation of this right is unconstitutional.

- Conclusion:**
- i) See above analysis No.i).
 - ii) Verbal termination of service is violation of Labour Laws and good governance principles.
 - iii) See above analysis No.iii).
 - iv) Statutory mandate overrides and takes precedence over administrative discretion.
 - v) Executive Authority cannot arbitrarily deny statutory rights or standing conferred by law.
 - vi) Executive has no discretion to deny rights established by law.
 - vii) See above analysis No. vii).
 - viii) See above analysis No. viii).

67. Lahore High Court
Bilal Ahmad v. The State
Criminal Appeal No. 859 of 2021
Mr. Justice Muhammad Jawad Zafar.
<https://sys.lhc.gov.pk/appjudgments/2025LHC2497.pdf>

Facts: Appellant was tried and convicted by the Special Juvenile Court / Trial Court for commission of offence of rape with a minor girl and sentenced to imprisonment for life under Section 376(iii) of the PPC along with fine of Rs.50,000/-. In case of default of fine, simple imprisonment for three months. The appellant has challenged his conviction and sentence through this appeal.

Issues:

- i) How does the prompt lodging of the crime report support the credibility of the eyewitnesses and the authenticity of the FIR?
- ii) Whether the reliable evidence of prosecution eyewitnesses alone is sufficient to record a conviction without any corroborative evidence?
- iii) Whether a trustworthy and consistent solitary statement of the victim suffices for conviction in a rape case??

- iv) What constitutes and requires to prove the offence of rape?
- v) Whether conviction can be recorded in the absence of a positive DNA report?
- vi) Whether absence of a DNA match necessarily exonerates the accused?

Analysis:

- i) The promptness in getting the crime report lodged not only confirms the presence of the eye-witnesses at the spot but also excludes every hypothesis of deliberation, consultation and fabrication prior to the registration of the FIR.
- ii) When the evidence of prosecution witnesses of the ocular account is found reliable, the same is sufficient to record conviction without any other corroborative piece of evidence.
- iii) Solitary statement of victim is sufficient to award conviction in a rape case, if the same is found trustworthy, consistent, and reliable.
- iv) We are of the view that for constituting offence under Section 376 of the PPC, any degree of penetration is sufficient to attract liability and full or complete penetration is not a sine qua non for establishing the offence of rape; the slightest ingress, irrespective of ejaculation, is adequate in the eyes of law to bring the act within the ambit of Section 376 of the PPC.
- v) Conviction can be passed in the absence of a positive DNA report, because DNA is supporting/confirmatory evidence, which is corroborative in nature.
- vi) The absence of a DNA match does not necessarily exonerate the accused.

Conclusion:

- i) A prompt FIR confirms the eyewitnesses' presence and excludes any possibility of prior deliberation or fabrication
- ii) Reliable ocular evidence of prosecution witnesses is sufficient for conviction without further corroborative evidence.
- iii) The solitary statement of the victim is sufficient for conviction in a rape case if deemed trustworthy, consistent, and reliable.
- iv) Under Section 376 of the PPC, any degree of penetration, even the slightest, is sufficient to constitute rape, without the need for full penetration or ejaculation.
- v) Conviction can be made without a positive DNA report, as DNA is corroborative and supporting evidence.
- vi) Absence of a DNA match does not automatically exonerate the accused.

68. Lahore High Court
M/s. The Coca Cola Export Corporation-Pakistan Branch v. Deputy Commissioner Inland Revenue etc.
W.P. No. 39097 of 2023
Mr. Justice Khalid Ishaq.
<https://sys.lhc.gov.pk/appjudgments/2025LHC2590.pdf>

Facts: Through this constitutional petition the petitioner has challenged the Order passed under section 74 of the Sales Tax Act, 1990 (Act, 1990) read with section 43(2) of the Federal Excise Act, 2005 (Act, 2005), as well as the Show Cause Notices being inseparable offshoot of the impugned Order.

- Issues:**
- i) Whether an order passed under section 74 of the Act, 1990, irrespective of the amendments brought about through Finance Act, 2022, is appealable?
 - ii) What the remedy is available against an order passed under S.74 of the Act 1990 without notice or an opportunity of hearing?
 - iii) What does Section 74 of the Act, 1990 imply about condoning delay against a taxpayer?
 - iv) Under what conditions can an order for condonation be issued, and what must such an order contain?
 - v) Whether an order for condonation of delay can be left at the whims of an Inland Revenue officer?
 - vi) Whether the limitation under Section 74 of the Act, 1990 should be strictly applied?
 - vii) Whether any statute can infringe on fundamental rights?
 - viii) What are essential grounds for judicial review of public actions?

- Analysis:**
- i) A bare perusal of sections 45-B & 46 of the Act, 1990, which are the provisions conferring right of appeal, clearly spell out that an appeal under section 45-B read with section 46 of the Act, 1990 is only available against orders passed under sections 10, 11, 25, 36 or 66 of the Act, 1990. Section 74 under which the Impugned Order has been passed, is not an appealable order.
 - ii) The only remedy available with the petitioner, particularly in the wake of the fact that Impugned Order has allegedly been issued without notice or an opportunity of hearing, is by way of filing a Constitutional Petition as the petitioner cannot be left remediless.
 - iii) A perusal of above quoted section 74 of the Act, 1990 makes it abundantly clear that the condonation of delay for exposing a taxpayer to the rigors of process after the lapse of statutory period is not a routine and usual exercise.
 - iv) An order for condonation can only be issued in exceptional circumstances, which exceptional circumstances can only be supplemented by supplying reasons and the reasons must ooze out from such orders.
 - v) It cannot be the true import, intent and purpose of the law that the matter of condonation may be left at the whims of an officer of the Inland Revenue.
 - vi) The foregoing is without prejudice to the amended or un-amended state of section 74 of the Act, 1990 as the limitation is not merely a technicality; it has to be more robustly applied in the financial matters particularly in the taxation matters, enabling the taxpayer as well as the revenue hierarchy to have estimations of their respective financial outlook so that the available revenue, the expenditure required and the planning to be rolled out may be assessed with some degree of certainty.
 - vii) It is axiomatic that no statute can muffle fundamental rights and must at all times advance the public interest and remain constitutional compliant.
 - viii) Fairness, Due Process of Law and Natural Justice are important constitutional elements as grounds for judicial review of public actions.

- Conclusion:**
- i) An Order passed under Section 74, of the Act 1990 is not appealable.
 - ii) Remedy of Constitutional Petition is available against an order passed under S.74 of the Act 1990 without notice or an opportunity of hearing.
 - iii) Section 74 of the Act, 1990 makes it clear that condoning delay after the statutory period is an exceptional, not routine, exercise.
 - iv) An order for condonation can only be issued in exceptional circumstances supplemented with reasons.
 - v) The matter of condonation may not be left at the whims of an officer of the Inland Revenue.
 - vi) Limitation must be strictly applied in taxation to ensure financial certainty for both taxpayers and revenue authorities.
 - vii) A statute cannot suppress fundamental rights and must always serve the public interest and comply with the Constitution.
 - viii) Fairness, due process, and natural justice are key constitutional grounds for judicial review of public actions.

69. Lahore High Court
Muhammad Faraz v. Province of Punjab through District Collector Vehari and 2
Review Application No.12-C of 2021
Mr. Justice Abid Hussain Chattha, Mr. Justice Malik Muhammad Awais Khalid
<https://sys.lhc.gov.pk/appjudgments/2025LHC2236.pdf>

Facts: The petitioner challenged the imposition of cost through a review application filed under Section 114 CPC, contesting the legality of the previous order. The review sought reconsideration only to the extent of the cost imposed by the learned Single Judge in Chambers.

Issues:

- i) Can a review application be heard by a bench other than the one that originally passed the order, in light of the availability of the original judge?
- ii) Is the imposition of cost by a court within its jurisdiction and legal discretion?
- iii) Can points already raised and decided be re-agitated under review jurisdiction?
- iv) Can the conduct of a party in previous litigation be a basis for imposing costs in subsequent proceedings?
- v) Is the scope of review limited to correcting errors apparent on the face of the record?

Analysis:

- i) It has been observed from the above text if the Judge who decided a case is not available, another Bench comprising two Judges can hear and dispose of a review petition arising from the judgment.
- ii) This Court has ample jurisdiction and inherent power to impose cost if the facts and circumstances of the case necessitate the making of such an order to secure the ends of justice or prevent the abuse of the process of the court.
- iii) It is settled law that the points already raised and considered before the court

cannot be re-agitated in review jurisdiction which is confined to the extent of patent error or mistake floating on the face of the record.

iv) Past conduct may be ruminated to assess the seriousness or non-seriousness of a party in the litigation and due to any past reckless conduct, the Court may impose costs.

v) The scope of review is very limited one which can be exercised sparingly and only in exceptional cases in which some important aspect of the matter escaped notice of the Court... A review application is not competent where neither any new and important matter or evidence has been discovered nor is any mistake or error apparent on the face of the record.

- Conclusion:**
- i) Yes, a different bench can hear the review application if the original judge is unavailable.
 - ii) Yes, the court has the jurisdiction and discretion to impose costs.
 - iii) No, previously adjudicated points cannot be re-agitated in a review application.
 - iv) Yes, the past conduct of a party can be a valid basis for imposing costs in later proceedings.
 - v) Yes, review jurisdiction is confined to correcting errors that are patent and apparent on the face of the record.

70. Lahore High Court
Muhammad Asghar v. Addl. District Judge, etc.
Writ Petition No.2482 of 2025
Mr. Justice Malik Muhammad Awais Khalid
<https://sys.lhc.gov.pk/appjudgments/2025LHC2618.pdf>

Facts: Petitioner assailed the concurrent findings of the courts below whereby his appeal was dismissed as time-barred and application for condonation of delay was rejected against the judgement and decree for recovery of maintenance, dower, and dowry articles on account of alleged maltreatment, non-maintenance, and non-payment of dower of family court.

Issues:

- i) Whether the Appellate Court can extend prescribed period of limitation for sufficient cause under Rule 22 of West Pakistan Family Courts Rules, 1965?
- ii) Whether the High Court can interfere under its certiorari jurisdiction in the absence of a jurisdictional error or error of law apparent on the face of the record?

Analysis:

- i) A bare perusal of Rule 22 of the Rules, indicates that prescribed period of limitation for filing of an appeal under section 14 of the Act, is thirty days of the passing of decree or decision excluding the time requisite for obtaining the copies thereof. The proviso to above sub-rule (1) empowers the Appellate Court to extend the said period for sufficient cause under Rule 22 of the Rules.
- ii) It is crucial to recognize that the High Court's jurisdiction to issue certiorari is fundamentally supervisory. This supervisory role imposes certain limitations: specifically, it prohibits the High Court from re-evaluating or questioning factual

findings made by subordinate courts based on their assessment of evidence. The High Court does not engage in reviewing or re-weighting evidence that underlies the decisions made by the Family Court or its First Appellate Court. Instead, it may only nullify a decision it finds to be beyond the jurisdiction or grossly erroneous without imposing its own conclusions in place of those reached by the lower courts. Furthermore, certiorari orders can be granted solely when a clear error of law is evident on the face of the record, however this does not extend to addressing errors of fact, regardless of their severity.

Conclusion: i) The proviso to above sub-rule (1) empowers the Appellate Court to extend the said period for sufficient cause under Rule 22 of the Rules.
ii) Certiorari orders can be granted solely when a clear error of law is evident on the face of the record, however this does not extend to addressing errors of fact, regardless of their severity.

71. Lahore High Court
Muhammad Fayyaz v. The State
Criminal Appeal No.829-J of 2023
Mr. Justice Tariq Mahmood Bajwa.
<https://sys.lhc.gov.pk/appjudgments/2025LHC2323.pdf>

Facts: The Sessions Court convicted the appellant under section 302 (b) PPC, on the charge of murder of complainant's son, and sentenced him to imprisonment for life. Hence the appeal was filed by the convict in the Hon'ble High Court.

Issues:

- i) What is the purpose of putting question to an accused intends to confess his guilt?
- ii) Whether there is any limit of questions require to be put to the accused going to record his confession?
- iii) What is theory of 'last seen together', on what principles it based?
- iv) Whether medical evidence confirms the ocular account, and whether it can connect the accused with the commission of crime?
- v) Whether the recovery of weapon of offence produces corroboration if independent witness in recovery proceedings is not associated?
- vi) Whether conviction can be based mere on confirmatory evidence?
- vii) Whether the law and justice require to consider the evidence of prosecution as gospel truth if the sole accused is charged in murder case?
- viii) Whether CDR, having not been signed by any person nor having the name of the person who prepared it, can be helpful for the prosecution?
- ix) Whether the court has to influence from the emotions while passing a judicial decision?
- x) Whether many circumstances creating doubt in the prosecution story are required to acquit an accused?

Analysis: i) A Magistrate is bound to put to an accused under all circumstances for the purpose of his satisfaction that the same is being made with free will and consent,

without any promise, duress, compulsion, threat, ill treatment or any other extraneous consideration.

ii) It must be noticed that above are the minimum number of questions and there can be no deviation, however, if the answers are of such a character as to require a Magistrate to do so, he can put such further questions as may be necessary to enable him to judge whether the accused is deposing voluntarily. So, the entire exercise is to ensure that what an accused wants to say that is the volunteer voice of his conscious, mind and heart.

iii) The theory of last seen together is one where two persons are seen together alive and after an interval of time, one of them is found alive and the other dead. If the period between the two is short, presumption can be drawn that the person alive is the author of the other's death. Its fundamental principles, probability, cause and connection and requires a cogent reason that (a) the deceased in normal and ordinary course was supposed to accompany the accused. (b) Proximity of the crime scene (c) small time gap between the sighting and crime (d) no possibility of third person interference (e) motive (f) time of death of victim. The circumstance of last seen together does not by itself necessarily lead to the inference that it was the accused who committed the crime. There must be something more establishing connectivity between the accused and the crime.

iv) Even otherwise, medical evidence may confirm the ocular account/circumstantial evidence with regard to the receipt of injury and kind of weapon but it cannot connect the accused with the commission of crime.

v) So far as the recovery is concerned, no independent witness from the place of recovery was associated by the investigation officer and in all the recoveries complainant Tasleem (PW-11) as well as his brother Muhammad Nadeem (since not produced) were shown recovery witness. The said part of the evidence could not produce the corroboration.

vi) Even otherwise, the recovery is deemed to be corroborative in nature and it is used to corroborate the direct or circumstantial evidence and as per dictates of justice whenever direct evidence is disbelieved it would not be safe to maintain conviction on confirmatory evidence.

vii) No doubt, substitution of single accused in a murder charge was a rare phenomenon but at the same time to put the rope around the neck of an accused charged singly, there must be circumstantial evidence/ocular account of unimpeachable character, trustworthy and confidence inspiring corroboration from the other pieces of evidence and it is not the requirement of the law or the justice to consider the evidence of the prosecution as gospel truth if it was a case of sole accused rather it is the judicial duty of the court to assess the intrinsic worth of the evidence.

viii) The prosecution also produced Tanveer Ahmad, ASI (PW.7) to prove call data record (Exh.PP), the said PW on cross examination stated, it is correct that neither call data record has been signed by any person nor it is appearing that the name of the officer who prepared the same, for the said sole reason, hardly helpful for the prosecution.

ix) Occurrence narrated in the FIR, no doubt was horrifying and chilling but while passing a judicial decision court has to detach itself from the emotions and the chitters created by the document or narration of the PWs. The Law does not clothe the Judge with a divine insight into the hearts and merits of the witness and the court has to form the opinion and to reach the decision with the force of reasons and logics.

x) It is settled law that not many circumstances creating doubt in the prosecution story are required to acquit an accused rather one circumstance creating doubt is enough to extend benefit of same to the accused.

- Conclusion:**
- i) The purpose of questions is the satisfaction of the court that the confession is voluntary.
 - ii) There is no limit of question to be put to the accused at the time of confession.
 - iii) See above analysis No.iii
 - iv) See above analysis No.iv
 - v) If independent witness is not associated in recovery then it produces no corroboration.
 - vi) It would not be safe to maintain conviction mere on confirmatory evidence.
 - vii) See above analysis No.vii
 - viii) See above analysis No.viii
 - ix) See above analysis No.ix
 - x) See above analysis No.x

72. Lahore High Court
Khan Muhammad v. Learned Judicial Magistrate, etc.
W.P No. 782 of 2025
Mr Justice Tariq Mahmood Bajwa.
<https://sys.lhc.gov.pk/appjudgments/2025LHC2426.pdf>

Facts: Petitioner lodged a criminal case against respondents No. 2 to 4 regarding theft of trees from his land. Police arrested the accused persons and produced them before the area Magistrate for grant of physical remand. The request of police was declined and the accused persons were discharged. The said order was challenged through this constitutional petition.

- Issues:**
- i) What is the significance of “possession” as an ingredient in the definition of offence of theft?
 - ii) Which type of possession is referred to by section 378 PPC?
 - iii) Whether the existence of the civil rights or co-ownership is a valid ground for stifling a criminal investigation or prosecution?
 - iv) What must the Criminal court ensure regarding the investigation at remand stage?
 - v) Is it proper to allow the investigation to continue in the absence of clear evidence of mala fide?

- Analysis:**
- i) Possession is central ingredient to impose/attract the offence of theft under the next section i.e. 379 PPC.
 - ii) The word possession used in section 378 requires actual/physical possession rather constructive possession.
 - iii) The existence of civil rights or co-ownership is not a valid ground for stifling a criminal investigation or prosecution.
 - iv) The criminal court must allow investigation to take its course and must not prematurely terminate proceedings of investigation at the remand stage.
 - v) Investigation should be allowed to continue unless there is clear evidence of mala fide.
- Conclusion:**
- i) Possession is the significant central ingredient to attract the offence of theft.
 - ii) Only the actual physical is the requirement of section 378 PPC.
 - iii) The existence of civil rights or co-ownership does not bar criminal investigation.
 - iv) The criminal court must avoid from terminating the proceedings of investigation at the remand stage.
 - v) It is proper to continue the investigation in absence of evidence of mala fide.

73. Lahore High Court
Kameer Khan. v. The State, etc.
Criminal Revision No.13684 of 2022
Mrs. Justice Abher Gul Khan
<https://sys.lhc.gov.pk/appjudgments/2025LHC2310.pdf>

Facts: The petitioner had stood surety for an accused in a case under section 13(2)(a) of the Arms Ordinance, 1965. The case was pending before the Learned Magistrate for evidence, but the accused absented, leading to the issuance of a show-cause notice to the petitioner regarding the forfeiture of the surety. The petitioner failed to appear before the Learned Magistrate, resulting in the forfeiture of the surety and a penalty of Rs.100,000 being imposed. The petitioner appealed this order to the Additional Sessions Judge, but the appeal was dismissed, hence this criminal revision.

Issues:

- i) What is the extent of the surety's responsibility in relation to the accused?
- ii) What happens to the surety's liability once the accused appears before the Court?
- iii) What does section 435 of the Cr.P.C. state regarding the scope of criminal revision?

Analysis:

- i) It is important to note here that the surety's responsibility is limited to ensure the accused's attendance in the case for which the bond was granted.
- ii) People often come forward to act as sureties for the accused out of genuine compassion, typically without any expectation of personal gain, but rather out of simple goodwill and the purpose of standing surety is to ensure the appearance of

the individual for whom the surety is provided. Once that individual appears before the Court, the surety's liability ends, and the matter then lies solely between the Court and the accused.

iii) It is also important to note here that in accordance with the scope of criminal revision as mentioned in section 435 Cr.P.C. correctness, legality or propriety of a finding of a criminal court can be looked into and in appropriate cases interfered with.

Conclusion: i) The surety's responsibility is solely to ensure the accused's attendance in court for the specific case related to the bond.
 ii) His liability ends once the accused appears.
 iii) It allows examination of the correctness, legality, or propriety of criminal court findings.

74. Lahore High Court
Saif Ali v. The State and others
W.P. No.7272 of 2025
Mrs. Justice Abher Gul Khan
<https://sys.lhc.gov.pk/appjudgments/2025LHC2319.pdf>

Facts: Through the instant constitutional petition moved under Article 199 of The Constitution of Islamic Republic of Pakistan, 1973 the petitioner has called in question the legality and validity of the order passed by the learned Magistrate Section.30, whereby, he while refusing the request of the police for physical remand of respondent No.4, discharged him from the case.

Issue: i) In what manner, a Magistrate should exercise his discretion to pass an order under Section 63 of the Code of Criminal Procedure to discharge an accused?

Analysis: i) It is the discretion of the Magistrate concerned to pass order under Section 63 of the Code of Criminal Procedure to discharge an accused; however, the discretion must be exercised by the concerned magistrate justly, fairly.

Conclusion: i) See above analysis No. i
 ii) Remand order should not be a mechanical order.

LATEST LEGISLATION/AMENDMENTS

1. The off the Grid (Captive Power Plants) Levy Ordinance, 2025 is promulgated on 31-01-2025 to impose an off the grid levy on natural gas based captive power plants.
2. Vide The Emigration (Amendment) Act, 2025 dated 22-03-2025; the amendments are made in sections 17, 18 & 22 of The Emigration Ordinance 1979.

3. Vide The Prevention of Trafficking in Persons (Amendment) Act, 2025 dated 22-03-2025, the amendments in sections 2, 3, 4 & 9 and substitution of sections 6 & 10 are made in The Prevention of Trafficking in Persons Act, 2018.
4. Vide The Prevention of Smuggling of Migrants (Amendment) Act, 2025 dated 22-03-2025; amendments are made in sections 3 to 6 & 10 of The Prevention of Smuggling of Migrants Act, 2018.

SELECTED ARTICLES

1. Lawyers Club of India

<https://www.lawyersclubindia.com/articles/a-person-cannot-be-deprived-of-his-pension-unless-found-guilty-in-departmental-or-judicial-proceedings--17632.asp>

A Person Cannot Be Deprived of His Pension, Unless Found Guilty in Departmental or Judicial Proceedings By Adv. Sanjeev Sirohi

It would be extremely relevant to note that in a major decision with far reaching consequences, the Chhattisgarh High Court at Bilaspur in a most learned, laudable, landmark, logical and latest judgment titled Rajkumar Gonekar (dead) through LRs & Ors v. State of Chhattisgarh & Anr. in WPS No. 4181 of 2021 and cited in Neutral Citation: 2025: CGHC:15440 that was finally pronounced on 02.04.2025 has minced just no words to hold in no uncertain terms that a person cannot be deprived of their pension without the authority of law, which is the Constitutional mandate enshrined in Article 300-A of the Constitution. It must be also mentioned here that the High Court quashed the impugned order that had granted permission to recover the pension of a retired government employee. In addition, the High Court also further directed the refund of the same. Very rightly so!

2. MANUPATRA

<https://articles.manupatra.com/article-details/INVESTOR-STATE-DISPUTES-AT-AN-ALL-TIME-HIGH-WHATS-DRIVING-THE-SURGE>

Investor-State Disputes at An All-Time High: What's Driving the Surge? By Shreya Srivastava

Investor-State Dispute Settlement (ISDS) is a procedural system which enables an investor from one country to initiate arbitration directly against the country where their investment is located. ISDS provisions are included in various international agreements such as free trade agreements, bilateral investment treaties, multilateral investment agreements, national investment laws, and investment contracts. When an investor from a "home state" invests in a "host state" that has also agreed to ISDS, and the host state infringes on the investor's rights under public international law (for instance, by expropriating property without timely, adequate, and fair compensation), the investor can pursue neutral arbitration instead of resorting to the host state's domestic courts.

Although the term ISDS is often used as a general label, it encompasses diverse processes and scopes. These provisions aim to prevent state-to-state conflicts, safeguard citizens investing abroad, and demonstrate to potential investors that the rule of law will be upheld. In the absence of ISDS, an investor would typically have to rely on their home state's government to intervene to enforce their rights. Without ISDS, foreign investors often lacked effective remedies against unfair treatment by host states and had to rely on local courts, which were often inadequate due to insufficient legal protections, sovereign immunity, or judicial bias. Diplomacy was inconsistent, and state-to-state dispute resolution risked politicizing private disputes. ISDS was created to address these issues by depoliticizing disputes and providing a neutral arbitration mechanism.

3. **Lawyers Club of India**

<https://www.lawyersclubindia.com/articles/guernsey-united-kingdoms-introduces-a-new-and-updated-law-on-sexual-violence-what-has-changed--17635.asp>

Guernsey (United Kingdom) introduces a new and updated law on sexual violence. What has changed? By Swabhiman Panda

Guernsey is one of the Channel Islands in the English Channel near the French coast located 27 miles (43 km) west of the Cotentin Peninsula, Normandy. It is the largest island in the Bailiwick of Guernsey, and is a self-governing British Crown dependency. Guernsey is administered as part of the Bailiwick of Guernsey, a self-governing dependency of the British Crown. The island is thus not part of the United Kingdom, although the UK government has certain responsibilities for the Bailiwick. The British monarch is the head of state and the head of government is the President of the Policy and Resources Committee.

4. **MANUPATRA**

<https://articles.manupatra.com/article-details/Untangling-the-Knots-IBC-s-Stride-Toward-Creditor-Fairness-Amidst-Workmen-s-Sacrifices>

Untangling the Knots: IBC's Stride Toward Creditor Fairness Amidst Workmen's Sacrifices By Hiten Lakhani, Amity and Shivaan Chadha

The recent clash between section 53 of Insolvency and Bankruptcy Code, 2016 and section 327(7) of the Companies Act, 2013, both statutory provisions which significantly impact the hierarchy of stakeholders in corporate insolvency, gained attention following the Supreme Court's judgement in Moser Baer Karamchari Union v. Union of India. While Section 327(7) excludes the application of section 326 and section 327 (which deal with preferential payments) don't apply during liquidation proceedings under Insolvency and Bankruptcy Code, 2016, whereas section 53 of the Insolvency and Bankruptcy Code, 2016 (also known as waterfall mechanism) establishes a hierarchy for the distribution of goods based on liquidation value. The issue arises when the hierarchy under section 326 and section 327 of the Companies Act, 2013 appears to be affected by the enforcement of section 53 of Insolvency and Bankruptcy Code, 2016. This article examines the conflict between these provisions, the challenges it poses for stakeholders and the Supreme

Court's judgement, which upheld the constitutionality of section 327(7) of the Companies Act.

5. Lawyers Club India

<https://www.lawyersclubindia.com/articles/how-to-get-call-records-of-a-person-can-cdrs-be-used-as-evidence-in-court--17640.asp>

How to Get Call Records of a Person? Can CDRs Be Used as Evidence in Court? By Swabhiman Panda

In the digital age, where communication is largely driven by mobile technology, Call Detail Records (CDRs) have emerged as critical tools in various domains—including law enforcement and legal proceedings. A Call Detail Record is a digital footprint of a telephone call, capturing vital metadata such as the time, duration, source and destination numbers, and cell tower locations. While CDRs do not contain the content of conversations, the wealth of information they provide has proven invaluable in criminal investigations, civil disputes, and intelligence gathering. This article explores the structure and significance of CDRs, their role in legal contexts, and the legal and ethical considerations surrounding their use in courtrooms.
