

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

27/25

PRESENT:

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

Crl. PLA No.1602 of 2021.

(Against the order dated 01.12.2021 passed by the learned Lahore High Court, Rawalpindi Bench, Rawalpindi in Diary No.17831/2021 in Crl.Misc. No.443-M/2020)

Deen Muhammad and others

...Petitioner (s)

versus

The State and others.

...Respondent(s)

For the Petitioner (s):

Mr. Aftab Alam Yasir, ASC, with.
Syed Rifaqat Hussain Shah, AOR.

For Respondent (s):

Mr. Tariq Siddique, APG, Punjab.

Date of hearing:

16.04.2025

ORDER

ISHTIAQ IBRAHIM, J.- Through the instant petition under Article 185 (3) of the Constitution of Islamic Republic of Pakistan 1973, the petitioner seeks leave to appeal against the order dated 01.12.2021 of the learned Lahore High Court, Rawalpindi Bench, Rawalpindi, rendered in Diary No. 17831/2021 in Crl. Misc. No.443-M/2020. The order dated 10.11.2021 in Crl. Misc. No.443-M/2020 passed by Lahore High Court, Rawalpindi Bench, for ready reference is reproduced as under;

“Confronted with the position that the dispute between the parties pertains to the year 2017, which is an alarming situation, learned counsel for the petitioner submits he would not press this petition and would be satisfied if a direction is issued to the learned trial Court to conclude the trial swiftly. However, prays that respondents No.2 to 11 be directed to remove the gate from the passage.

2. Learned counsel for respondents No.2 to 11, very generously and fairly accepted said offer and states that the respondents would remove the dispute gate and shall wait the outcome of the proceedings / trial.

3. *Dismissed as withdrawn. However, learned trial Court is directed to proceed with the trial swiftly and conclude the trial within two months of the receipt of this order, however, learned trial Court will not influence in any manner from the generous statement given by learned counsel for respondents No.2 to 11. It is expected from both the sides that they shall cooperate with the trial Court towards conclusion of the case in said stipulated period...*

2. Subsequently, the petitioner moved C.M No.17831/2021 in Crl.Misc. No.443-M/2020 for rectification in the order dated 10.11.2021 before the Lahore High Court, Rawalpindi Bench, upon which the office raised objection vide check list / objection sheet at serial No.24 to the effect that; *"How this C.M is entertainable in decided case."* Hence, vide order dated 01.12.2021 the learned High Court held that; *"Office objection is sustained"* which the petitioner has assailed before this Court by filing the instant Crl. PLA.

3. Perusal of the record reveals that the order dated 10.11.2021 has been passed with consent of the petitioner, which does not warrant any interference by this Court. This petition is, therefore, dismissed and leave to appeal is refused.

Judge

Judge

Islamabad
16.04.2025.
Not approved for reporting
 (Kausar Ali PS)