

**IN THE SUPREME COURT OF PAKISTAN**  
(Review Jurisdiction)

**Present:**

Justice Amin-ud-Din Khan  
Justice Ayesha A. Malik  
Justice Shahid Waheed

**Civil Misc. Application No.1986-L to 1991-L/2020**

(For permission to file and argue the CRPs filed against the order of this Court dated 28.08.2020 passed in CP.No.2229-L/2009 etc.)

**in**

**Civil Review Petition Nos.Nil-L/2020 in**

**Civil Petition No.2229-L to 2232-L, 2236-L & 2237-L/2019**

*Abdul Waheed*

*.....Applicant*

***versus***

*Hazir Khan, etc*

*....Respondents*

For the applicant: Mr. Arshad Jahangir Jhoja, ASC.

For the respondent: N.R.

Date of Hearing 4 April 2025.

**ORDER**

**Amin-ud-Din Khan, J.**

**CMA Nos.1986-L to 1991-L of 2020.**

Through these applications Mr. Arshad Jahangir Jhoja, ASC has prayed for appearing and arguing the Review Petitions in place of his father Mr. Jahangir A. Jhoja, ASC, who has since passed away. These CMAs are allowed. Let the Review Petitions be numbered and fixed for hearing today.

**Civil Review Petition Nos. 209-L to 214-L of 2020**

2. These review petitions have been filed seeking review of the order dated 28.08.2020, whereby Civil Petitions were dismissed being barred by time, which is reproduced:

“All these Petitions are barred by 384 days. There is no application for condonation of delay. According to record the learned counsel for the petitioners was asked to explain the delay or move an application for condonation of delay.



In this regard no application was filed. We have no other option but to dismiss these Civil Petitions being barred by time."

3. Case pleaded by the petitioner(s) is that the suit of respondent No.1 was decreed by the learned Civil Judge vide judgment and decree dated 4.5.2018. The said judgment and decree was assailed by the petitioner through an appeal before the learned Additional District Judge, Arifwala, who dismissed the same vide judgment and decree dated 29.10.2019, against both the judgments and decrees Civil Revision No.21599 of 2019 etc. were filed, which were dismissed vide order dated 22.4.2019 but in the order sheet the year was wrongly typed as 2018. The findings of three courts are concurrent against the petitioner.

4. Heard the learned counsel and gone through the record.

5. As per office record, the office has noted that these petitions are barred by 384 days. A memorandum dated 22.07.2019 was issued to the learned counsel for the petitioner by the office of this Court that the petition is barred by 384 days. The learned AOR reported that the date of decision/judgment is wrongly typed as 22.4.2018 due to typographical mistake, actually it is 22.4.2019 as case was decided in 2019. Again, the office asked the learned AOR to file proper application vide office noting dated 21.8.2019 but no response, therefore, office fixed the matter(s) with a noting that it is barred by 384 days. The office also issued the notice to the petitioners but no application for condonation of delay was filed nor in the court at the time of hearing of the civil petition(s) for grant of leave any such explanation with regard to delayed filing of CPs was offered by the learned counsel who argued the matter.

6. Now learned counsel has informed that subsequently the order of High Court was got corrected, as the date of order is 22.4.2019.



The petitioner has not attended the office memorandum nor has filed any application for condonation of delay at the proper stage. Now with these review petitions, the petitioner has filed the copy of the order dated 26.08.2020, passed by the High Court on C.M.No.1-C of 2020 in C.R.No.21687 of 2019 whereby the correction in the order dated 22.04.2018 was made as 22.04.2019. Record shows that Civil Petitions were decided here by this Court on 28.08.2020. Meaning thereby that two days earlier the correction was made but the counsel did not bother to inform the same. In this view of the matter, when petitioner himself was not vigilant and did not offer any explanation of delay, nor filed any application for condonation of delay and when there are concurrent findings of fact recorded against the petitioner, therefore, no case for review is made out. Resultantly, these civil review petitions stand dismissed.

  
Judge  
  
Judge

Judge

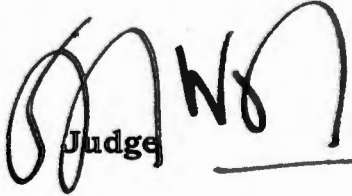
**Shahid Waheed, J:** I respectfully disagree with the proposed order in this case.

2            These petitions seek a review of the order dated 28th of August, 2020, which dismissed the petitioner's CPLA No.2229/L of 2019 as being out of time. It has come to our attention that the order made by the High Court regarding the petitioner's revision petition (C.R.No.21687 of 2019) was the subject matter of this case. This revision was dismissed by order dated 22<sup>nd</sup> of April 2019; however, a /



typographical error mistakenly recorded the date as 22<sup>nd</sup> of April 2018. This error is so evident, given that the revision petition itself was registered in the High Court's office in 2019, making it impossible for its disposal to have occurred in 2018. Furthermore, it is explained that excluding the time taken to obtain a certified copy of the order, filing the petition for leave to appeal before this Court was timely. This fact has also been recorded in the Office Memorandum, and the High Court has also issued a corrected copy of the order with the accurate date. Under these circumstances, I hold the view that the grounds raised in this petition, prima facie, have merit. Therefore, in the interest of justice, it would be prudent to decide on this petition after issuing notice to the other side.

3. Notice.

  
Judge

Lahore  
4 April 2025.  
Umair.