

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

Mr. Justice Naeem Akhter Afghan,
Mr. Justice Ishtiaq Ibrahim.

**CPLA's Nos. 3303,3305,3306,1239-L,3562, 3770, 1466-L and 3993 of 2024,
C.M Appeals Nos. 102 to 106 of 2024, C.M. Appeals No.7/2024, and 13/ 2025**

Ghulam Muhammad (decd) through his legal heirs and others

...Petitioner (s)

versus

Mian Ahmed Bakhsh (decd) through his legal heirs and others

...Respondent(s)

For the Petitioner (s):

Muhammad Aslam Khan Dhukkur,
Muhammad Ashraf Jalal, Advocates
S.C, Syeda B.H Shah (AOR), Iqbal
Ahmed Khan Dhengal, ASC, Ijaz
Ahmed Ansari, ASC, Jehangir Wains,
ASC, Malak Muhammad Hafeez
ASC, Muhammad Masood Chishti,
ASC (in all the cases)

For the Respondent No.1

Mr. Umar Hayat Bhatti, ASC.

Date of hearing:

27.03.2025.

ORDER

Learned counsel for the petitioners contended that suit filed by respondents No.1 to 7 in respect of suit land based on Mutation No.60 dated 6.6.1948 as well as subsequent mutation(s) was dismissed by the trial Court but while reversing the findings of the trial Court the Appellate Court decreed the suit and declared Mutation No.60 as well as the subsequent Mutation(s) as void. The judgment passed by the Appellate Court was affirmed by the High Court in Revisional jurisdiction after attending merits of the case. Leave to appeal was declined by this Court against the order of the High Court vide order dated 23.01.2023 with the observations that the judgments of the Appellate Court and the High Court are well

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reasoned, based upon evidence and record. This Court found itself in agreement with the conclusions and seeing no justification to take a view different from the one taken by the High Court, petitions for leave to appeals were dismissed.

2. Few aggrieved persons, who were not party to the suit, approached the Lahore High Court with the applications under section 12(2) CPC but vide impugned order dated 15.05.2024 all the petitions were dismissed by the High Court on the ground that applications under section 12(2) CPC have to be filed before the Supreme Court where the matter was finally decided.

3. Apart from challenging the above order of High Court, all the petitioners have also filed applications under sections 12 (2) CPC before this Court and the office has raised objections upon maintainability of the same.

4. Learned counsel for the petitioners contended that while refusing leave to appeal vide order dated 23.01.2023, this Court had not dilated upon merits of the case, therefore, the final forum was the High Court for filing applications under section 12(2) CPC, and in this regard the findings of the High Court in para-7 of the impugned judgment are against the settled law. The learned counsel further contended that as an abundant caution, the petitioners have also filed applications under section 12(2) CPC before this Court maintainability whereof is subject to decision of these petitions.

In view of the contentions raised by learned counsel for the petitioners, office is directed to issue notice to respondents in all the CPLAs./C.M.Appeals.

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C.M.A Nos. 6445/2024, 6425/24, 6422/24, 1143-L/24,
8478/24, 9100/24, 8428/24, 1285-L/24:

Notice to the respondents. In the meanwhile, parties in all the petitions/CM Appeals are directed to maintain status quo in respect of the disputed properties.

To be fixed in last week of April 2025.

Islamabad
27.03.2025
Not approved for reporting
Kausar Ali PS