

THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:
Justice Shakeel Ahmad
Justice Aamer Farooq

CPLA No.3533-L-2023 & CPLA No.3534-L-2023
(Against judgments dated 12.10.2023 passed by
Lahore High Court, Bahawalpur Bench, Bahawalpur
in W.P.No.3251 & 3256 of 2023)

Reehana Maqsood

...Petitioner(s)
(in both cases)

VERSUS

Muhammad Farooq etc.

...Respondent(s)
(in both cases)

For the Petitioner(s) : Mr. Muhammad Naveed Farhan,
ASC
(in both cases)

For the Respondent (s) : Mr. Tariq Mehmood Khan, ASC
(in both cases)

Date of Hearing : 12.09.2025

ORDER

AAMER FAROOQ, J.- The petitioner filed a suit for possession and cancellation of document which was contested by respondent No.1 & 2 by filing written statements. After the issues were framed, the petitioner produced her evidence and examination-in-chief of her witnesses was recorded, however, respondents No.1 & 2 failed to conduct cross-examination; resultantly, their right to cross-examine plaintiff's witnesses was closed. Meanwhile, respondents No.1 & 2 filed application seeking comparison of signature and thumb impression on the agreement to sell which was dismissed by the trial court on 09.06.2021. Feeling aggrieved, respondents No.1 & 2 filed a revision petition which was dismissed by the revisional court on 03.04.2023. The order of the trial court, closing right of respondents No.1 & 2 to lead evidence, was challenged by way of Civil Revision, which also was dismissed on 03.04.2023. Respondents No.1 & 2 challenged both the orders by filing petitions under Article 199 of the Constitution. In this behalf, W.P. No.3251-2023 was filed against dismissal of application for comparison of signatures and thumb impression and W.P. No.3256-2023 was filed regarding closure of right of

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respondents No.1 & 2 to cross-examine. Both the petitions were allowed by Lahore High Court vide impugned judgments dated 12.10.2023.

2. Learned counsel for the petitioner *inter alia* contended that document in question was never exhibited in evidence, hence application for comparison of signature and thumb impression with respect to any document, not tendered in evidence, was not maintainable and the sole purpose of the application was to defeat the ends of justice and to linger on the matter. It was further argued that order of trial court as well as revisional court reflect in detail the opportunities availed by respondents No.1 & 2 for cross-examination of petitioner's witnesses. It was contended that the matter lingered on for about two and half years, where-after trial court passed the orders.

3. Learned counsel for respondents No.1 & 2 contended that the orders impugned are well-reasoned and do not warrant interference and are in conformity with the dictates of Article 10-A of the Constitution.

4. Heard.

5. The factual aspects of the controversy have been mentioned hereinabove.

6. In so far as closure of right of respondents No.1&2 to cross-examine is concerned, the trial court as well as the revisional court has given the dates in detail on which adjournments were obtained by them. The examination of the referred orders shows that respondents No.1 & 2 cannot claim right to fair trial by invocation of Article 10-A of the Constitution inasmuch as they have been delaying adjudication of the matter for the last two and half years after framing of issues. No plausible justification existed for the High Court to intervene in the matter by setting aside decision of trial court as well as revisional court.

7. Similarly, with respect to dismissal of application for verification of thumb impression and signatures, the orders passed by the trial court and the revisional court are well-reasoned, especially when the document in question, is not part of record, hence the verification of signatures and thumb impression could not have been ordered and the High Court lost sight of the fact while passing the impugned judgment.

8. In view of foregoing, orders impugned before us are not legally sustainable, as they are based on the erroneous interpretation and application of law, hence instant petitions for leave to appeal are allowed and converted into appeals which are accepted and the impugned judgments dated 12.10.2023 are set aside; consequently, applications for verification of signatures and thumb impression, stand dismissed and the order dated

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30.06.2021 passed by trial court regarding closure of right of respondents No.1 & 2 to cross-examine the witnesses holds the field. No order as to costs.

Islamabad
12.09.2025

Zawar

NOT APPROVED FOR REPORTING