

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Yahya Afridi, CJ
Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Miangul Hassan Aurangzeb

**Civil Miscellaneous Application No.13401 of 2024 in Civil
Petition No.972-L of 2023**

*(Restoration application in this Court's order dated 20.09.2024 passed in
C.P.No.972-L/2023 – Against the order dated 15.02.2023 of the Lahore
High Court, Lahore passed in C.R.No.9856/2023)*

Muhammad Fazal Shouk

...Applicant(s)/ Petitioner(s)

Versus

Abdul Salam etc.

...Respondent(s)

For the Applicant(s)/
Petitioner(s):

Mr. Muhammad Akhtar Rana, ASC

For the Respondent(s):

Not represented

Date of Hearing:

02.05.2025

ORDER

Yahya Afridi, CJ.-

Civil Miscellaneous Application No.13401 of 2024:

This is an application for restoration of the main petition. For the reasons stated therein, the same is allowed and the main petition is restored to its original number.

Civil Petition No.972-L of 2023:

2. When confronted, the learned counsel for the petitioner stated that he was not under notice for the main case. It is quite unusual for a learned counsel to appear before this Court in an application for restoration and claim that he is unprepared for the main case. However, we requested the learned counsel to explain as to what interest the petitioner had after

disposing of the entire property *vide* Mutation Nos. 413 and 414. In response, the learned counsel stated that the property transferred was part of the ownership of the present petitioner.

2. We have gone through the subject Mutation Nos. 413 and 414 (pages 93 and 94 of the paper-book) and note that the disputed property, measuring 101 kanals and 7 marlas, has been entirely covered by these two mutations, whereby the petitioner's interest in the disputed property has been transferred to a third party who was present before the court and the matter was finally decided up to this Court. No case for interference has been made out. This petition is, therefore, dismissed and leave to appeal is refused.

Islamabad, the
02 May 2025
Not approved for reporting
Waqas Naseer