

In the Supreme Court of Pakistan
(Appellate Jurisdiction)

Order Sheet

Civil Misc. Appeal No.193 of 2013

in

Civil Review Petition No. Nil of 2013

in

Constitution Petition No.8 of 2009

General (R) Pervaiz Mushrraf

Appellant

Versus

Nadeem Ahmed (Advocate) & others

Respondents

Prayer:

"that this appeal may kindly be allowed and the Review Petition may kindly be ordered to be entertained."

8.1.2014 Syed Sharifuddin Pirzada, Sr. ASC
 Raja Muhammad Ibrahim Satti, Sr. ASC

Order

While examining this review petition on behalf of General (Retd) Pervaiz Mushrraf against the judgment dated 31.7.2009, passed in Constitution Petition No.8 of 2009, the office has raised following objections with regard to its maintainability:-

- i. Scandalous language has been used against the Hon'ble Judges of this Court at so many places in this Review Petition, therefore it cannot be entertained under Order XVII, Rule 5 of the Supreme Court Rules, 1980.
- ii. As per certificate of the AOR this is second Review Petition against the order under Review dated 31.07.2009 passed in Constitution Petition No.08/2009, first Review Petition was dismissed vide judgment reported as PLD 2010 SC 483. Therefore, it is not entertainable under Order XXVI Rule 9 of Supreme Court Rules, 1980.
- iii. It is mentioned in this Review Petition that it has been drawn by Syed Sharif ud Din Pirzada, Sr.ASC, Raja Muhammad Ibrahim Satti, Sr.ASC, Dr. Khalid Ranjha, Sr.ASC, Sahibzada Ahmed Raza

Khan Qasuri, Sr.ASC, Barrister Dr. Muhammad Ali Saif, ASC and Rana Ijaz Ahmad, ASC, however, it has not been signed by Syed Sharif ud Din Pirzada, Sr.ASC.

- iv. Certificate of fitness of Review Petition has only been signed by Raja Muhammad Ibrahim Satti, Sr.ASC instead of having been signed by all the counsel who have drawn this Review Petition which is essentially required under Order under Order XXVI Rule 4 of Supreme Court Rules, 1980.
- v. An application for exemption to the requirements of Order XXVI Rule 6 has been filed. In this Review Petition and permission has been sought that petitioner may be allowed to engage Raja Muhammad Ibrahim Satti, Sr.ASC in this Review Petition. However, this Review Petition has been mentioned to have been drawn by Syed Sharif ud Din Pirzada, Sr.ASC, Raja Muhammad Ibrahim Satti, Sr.ASC, Dr. Khalid Ranjha, Sr.ASC, Sahibzada Ahmed Raza Khan Qasuri, Sr.ASC, Barrister Dr. Muhammad Ali Saif, ASC and Rana Ijaz Ahmad, ASC.
- vi. It has been mentioned in this Review Petition that Petitioner was not party in Constitution Petition No.08/2009 order passed in which is sought to be reviewed through this Review Petition and no application for permission to the petitioner to file this Review Petition has been filed.
- vii. Party names cannot be verified as paper books of Constitution Petition No.08/2009 have not been filed.
- viii. Misc. Application for staying the proceedings of High Treason Trial before the Special Court is misconceived in this Review Petition.
- ix. Instead of 14 Paper books only four paper books of Review Petition have been filed.

2. I have heard the arguments of Raja Muhammad Ibrahim Satti, learned Sr. ASC on behalf of the appellant. He candidly stated that so far as the office objections No.iii, v, vi, vii & ix are concerned, their compliance will be made by the appellant's AOR within two days time; so far as office objections No.i, ii & viii are concerned, those are of the nature which are to be considered and decided by the Court while hearing the case, and so far as office objection No.iv is concerned, due to filing of certificate of fitness of the review petition by him under Order XXVI Rule 4 of the Supreme Court Rules 1980, such objection is not maintainable and liable to be overruled.

3. After careful examination of the case record, particularly, the reply to these objections contained in the memos of appeal, I find submissions of the learned Sr. ASC quite fair, just and equitable. Accordingly, office objection No.iv is overruled; two days' time is allowed for compliance of office objections No.iii, v, vi, vii & ix, while the office objections No.i, ii & viii are ordered to be placed before the Court at the time of hearing of review petition. Title appeal against the order of the Registrar is accordingly disposed of.

(Anwar Zaheer Jamali)
Judge

In the Supreme Court of Pakistan
(Appellate Jurisdiction)

Order Sheet

Civil Misc. Appeal No.194 of 2013

in

Civil Review Petition No. Nil of 2013

in

Constitution Petition No.9 of 2009

General (R) Pervaiz Mushrraf

Appellant

Versus

Sindh High Court Bar Association and others

Respondents

Prayer:

“that this appeal may kindly be allowed and the Review Petition may kindly be ordered to be entertained.”

8.1.2014 Syed Sharifuddin Pirzada, Sr. ASC
Raja Muhammad Ibrahim Satti, Sr. ASC

Order

While examining this review petition on behalf of General (Retd) Pervaiz Mushrraf, against the judgment dated 31.7.2009 passed in Constitution Petition No.9 of 2009, the office has raised following objections with regard to its maintainability:-

- i. Scandalous language has been used against the Hon'ble Judges of this Court at so many places in this case, therefore it cannot be entertained under Order XVII, Rule 5 of the Supreme Court Rules, 1980.
- ii. As per certificate of the AOR this is second Review Petition against the order under Review dated 31.07.2009 passed in Constitution Petition No.09/2009, first Review Petition was dismissed vide judgment reported as PLD 2010 SC 483. Therefore, it is not entertainable under Order XXVI Rule 9 of Supreme Court Rules, 1980.
- iii. It is mentioned in this Review Petition that it has been drawn by Syed Sharif ud Din Pirzada, Sr.ASC,

Raja Muhammad Ibrahim Satti, Sr.ASC, Dr. Khalid Ranjha, Sr.ASC and Barrister Dr. Muhammad Ali Saif, ASC however, it has not been signed by Syed Sharif ud Din Pirzada, Sr.ASC.

- iv. Certificate of fitness of Review Petition has only been signed by Raja Muhammad Ibrahim Satti, Sr.ASC instead of having been signed by all the counsels who have drawn this Review Petition which is essentially required under Order under Order XXVI Rule 4 of Supreme Court Rules, 1980.
- v. An application for exemption to the requirements of Order XXVI Rule 6 has been filed, in this Review Petition and permission has been sought that petitioner may be allowed to engage Raja Muhammad Ibrahim Satti, Sr.ASC in this Review Petition. However, this Review Petition has been mentioned to have been drawn by Syed Sharif ud Din Pirzada, Sr.ASC, Raja Muhammad Ibrahim Satti, Sr.ASC, Dr. Khalid Ranjha, Sr.ASC and Barrister Dr. Muhammad Ali Saif, ASC.
- vi. Petitioner was not party in Constitution Petition No.09/2009 order passed in which is sought to be reviewed through this Review Petition and no application for permission to the petitioner to file this Review Petition has been filed.
- vii. Misc. Application for staying the proceedings of High Treason Trial before the Special Court is misconceived in this Review Petition.
- viii. Instead of 14 Paper books only four paper books of Review Petition have been filed."

2. I have heard the arguments of Raja Muhammad Ibrahim Satti, learned Sr. ASC on behalf of the appellant. He candidly stated that so far as office objections No.iii, v, vi & viii are concerned, their compliance will be made by the appellant's AOR within two days time; so far as office objections No.i, ii & vii are concerned, those are of the nature which are to be considered and decided by the Court while hearing the case, and so far as office objection No.iv is concerned, due to filing of such certificate of fitness for review petition under Order XXVI Rule 4 of the Supreme Court Rules 1980 by him, such objection is misconceived and liable to be overruled.

3. After careful examination of the case record, particularly, the reply to various objections contained in the memo of appeal, I find the submissions of the learned Sr. ASC quite fair, just and equitable. Accordingly, office objection No.iv is overruled; two days' time is allowed for compliance of office objections No.iii, v, vi & viii, while the office objections No.i, ii & vii are ordered to be placed before the Court alongwith the review petition. Title appeal against the order of the Registrar is accordingly disposed of.

(Anwar Zaheer Jamali)
Judge