

Form No:HCJD/C-121

ORDER SHEET

IN THE LAHORE HIGH COURT

MULTAN BENCH MULTAN

JUDICIAL DEPARTMENT

C.R.No.1079 of 2025

Muhammad Akram etc. Vs. Muhammad Bilal etc

S.No. of order/ proceeding	Date of order/ Proceeding.	Order with signature of Judge, and that of parties or counsel, where necessary.
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18.09.2025 Mr.Muhammad Masood Bilal, Advocate for the petitioners.

Through this Civil Revision, the petitioners have assailed the order dated 16.07.2025 passed by the learned Appellate Court.

2. The brief facts of the case are that respondents No.1 to 3 instituted a suit for specific performance of agreement to sell dated 29.01.2023 against respondents No.4 to 6. The suit, after recording of affirmative statement by defendant No.1/respondent No.4 and leading of evidence by the plaintiffs, was decreed through judgment and decree dated 23.09.2024. The petitioners, feeling aggrieved, preferred an appeal before the learned Appellate Court. During pendency thereof, respondents No.7 and 8 filed an application under Section 12(2) CPC before the trial court seeking setting aside of the judgment and decree dated 23.09.2024. In this backdrop, the petitioners moved an application before the learned Appellate Court seeking adjournment of the appeal sine die, which was dismissed through the impugned order dated 16.07.2025. Hence, the present Civil Revision.

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3. Learned counsel for the petitioners argued that the impugned order dismissing their application is unwarranted, uncalled for, and liable to be set aside. It is submitted that the learned Appellate Court misread and misinterpreted the record as well as the settled principles of law, and thus failed to exercise jurisdiction vested in it in accordance with law.

4. I have heard the learned counsel for the petitioners at length and perused the available record with due care.

5. From the record, it emerges that the petitioners have already challenged the judgment and decree of the trial court in appeal before the learned Appellate Court, while their real brothers respondents No.7 and 8 have instituted a separate application under Section 12(2) CPC before the trial court against the very same judgment and decree. On that premise, the petitioners sought adjournment of their appeal sine die till the decision of the application under Section 12(2) CPC pending before the trial court.

6. During the course of arguments, learned counsel for the petitioners was confronted to point out any lawful basis for adjourning the appellate proceedings sine die. The only justification offered was that, in the event the application under Section 12(2) CPC succeeds, the instant appeal would become infructuous. In other words, the entire purpose of the appellate proceedings would be eclipsed by the outcome of the said application.

7. The contention so advanced by learned counsel is wholly misconceived. It is a settled principle of law that each lis must be adjudicated upon its own facts, circumstances, and merits. The appellate forum cannot

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withhold or defer adjudication merely on the speculations that some collateral proceedings, initiated by third parties, may eventually affect the outcome of the case at hand. Such an approach would not only paralyze the judicial process but also defeat the very object of expeditious disposal of litigation. The appellate forum is bound to decide the appeal on its own merits, independent of speculative consequences of collateral proceedings.

8. It is further noteworthy that the scope of proceedings under section 12(2) CPC proceedings and appellate proceedings are in distinct legal domains. The pendency of one cannot furnish a lawful ground to suspend or frustrate the other. If the petitioners brothers succeed in their application under section 12(2) CPC, the law provides adequate remedies for parties to avail; however, till such eventuality arises, the appellate court cannot be compelled to put its own proceedings into abeyance. The Islamabad High Court in the case reported as National Highway Authority vs. M/s.China Petroleum Engineering Corporation (PLD 2017 Islamabad 1) held as under:-

“.... True, the mere filing of an application under Section 12(2) C.P.C. against the said judgment and decree dated 20.04.2015 would not render the instant appeal incompetent but, for the reasons mentioned above, this appeal cannot be kept pending or adjourned sine die until the decision of the appellant's application under Section 12(2) C.P.C. by the Trial Court. An appeal is a continuation of the proceedings before the lower courts and should, in arbitration matters, be decided as expeditiously as possible.”

9. It is also well settled that principle of finality of litigation is of paramount importance. Allowing appellate proceedings to be stalled indefinitely would encourage dilatory tactics, undermine the authority of Courts and

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compromise the administration of justice. The Appellate Court rightly refused to permit such abuse of process.

10. In view of the above discussion, it is manifest that the learned Appellate Court committed no illegality or material irregularity while dismissing the application for sine die adjournment. The impugned order is well-reasoned, in consonance with the settled principles of law, and calls for no interference in revisional jurisdiction. The petitioners have failed to point out any jurisdictional defect or legal infirmity in the impugned order. Consequently, this Civil Revision is devoid of merit and is hereby dismissed.

(Syed Ahsan Raza Kazmi)
Judge

Approved for reporting.

Judge

Amjad

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