

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

C.R. No.424 of 2019
Habib ur Rehman Kiyani
Versus
Kamran Yaseen and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	19.12.2019	Mr. Mujtaba Haider Sherazi, Advocate for the petitioner. Mr. Muhammad Arbab Alam Abbasi, Advocate for respondent No.2.

Through the instant civil revision petition, the petitioner, Habib ur Rehman Kiyani, impugns the order dated 28.09.2019 passed by the Court of the learned Senior Civil Judge, Islamabad, dismissing the petitioner's application under Article 84 of the Qanun-e-Shahadat Order, 1984 ("the 1984 Order") for the expert examination of Kamran Yaseen Khan's signatures on Exh.P1, Exh.P2 and Exh.P3.

2. Learned counsel for the petitioner submitted that Kamran Yaseen Khan had appeared as a witness and did not admit his signatures on Exh.P1, Exh.P2 and Exh.P3; that in view of the said denial, it was essential for Kamran Yaseen Khan's signatures and thumb impression on the said documents to be compared with his admitted signatures by an expert; and that the observation of the learned Civil Court that Kamran Yaseen Khan's signatures on the said documents are different from his admitted signatures, is erroneous. Learned counsel for the petitioner prayed for the civil revision petition to be allowed in terms of the relief sought therein.

3. On the other hand, learned counsel for respondent No.2 drew the attention of the Court to the signatures of respondent No.1 (Kamran Yaseen) on the registered agreement to sell dated 07.05.1996, and submitted that these signatures were not genuine; that the application under Article

84 of the 1984 Order is said to have been filed by the petitioner, but the signatures of the petitioner thereon are the same as those of respondent No.1 on the said agreement dated 07.05.1996; and that since the said application was not filed by the petitioner, this is a ground sufficient on which this revision petition should be dismissed. Learned counsel for respondent No.2 prayed for the revision petition to be dismissed.

4. I have heard the contentions of the learned counsel for the contesting parties and have perused the record with their able assistance.

5. The bare perusal of the signatures alleged to be those of Kamran Yaseen Khan on the registered agreement to sell dated 07.05.1996 show that they are the same as the signatures of the applicant on the application under Article 84 of the 1984 Order. Kamran Yaseen Khan is respondent No.1 in the instant petition, whereas the learned counsel for the petitioner submitted that the said application was filed by the petitioner. Learned counsel for the petitioner was not the petitioner's counsel before the learned Civil Court.

6. Since the signatures on the said application are the same as those of respondent No.1 on the registered agreement to sell dated 07.05.1996, it would be safe to hold that the said application was not filed by the petitioner. Learned counsel for the contesting respondent is correct in his submission that this anomaly is sufficient to dismiss the instant revision petition. Consequently, this revision petition is dismissed with no order as to costs.

(MIANGUL HASSAN AURANGZEB)
JUDGE