

IN THE SUPREME COURT OF PAKISTAN

(Review Jurisdiction)

Present:

Mr. Justice Qazi Faez Isa, CJ
Mr. Justice Amin-ud-Din Khan
Mr. Justice Athar Minallah

Civil Review Petition No. 557 of 2022

*[For review of the order dated 14.11.2022 passed
by this Court]*

In

Civil Petition No. 3842 of 2022

Munir Husain and others.

... *Petitioners*

Versus

Riffat Shamim and others.

... *Respondents*

For the Petitioners:

Ch. Afrasiab Khan, ASC.
a/w Malik Abid Raza, Special Attorney.

For the Respondent:

Not represented.

Date of Hearing:

27.09.2023.

ORDER

Qazi Faez Isa, CJ. Through this review petition order dated 14 November 2022 is sought to be reviewed. This Court had declined to grant leave to appeal and had upheld the judgment of the Islamabad High Court. The paternal uncles and aunts of Tuba Sahab challenged her paternity after about 17 years and did so after the death of her father, namely, Azhar Hussain. The learned Judge of the High Court had relied upon the judgment of this Court in the case of *Laila Qayyum v Fawad Qayyum* (PLD 2019 Supreme Court 449) wherein the very same legal point raised in this matter had been deliberated upon at length. The learned counsel states that the order under review did not correctly apply the decision in the *Laila Qayyum's* case.

2. We do not agree with the contention of the learned counsel that the decision in the *Laila Qayyum's* case was not correctly applied either by the learned Judge of the High Court or by this Court. The judgment dated 2 April 2022 of the High Court, in favour of Tuba Sahab, was correctly upheld by this Court. Therefore, this review petition is dismissed.

3. We enquired from the learned counsel, who in turn enquired from the attorney of the petitioner, whether the judgment of the High Court has been implemented and the late Azhar Hussain's estate has been devolved on his legal heirs. Unfortunately, it was learnt that the petitioners continue to retain possession. The mere filing of a review petition does not operate as stay. The petitioners continue to be in open defiance not only of the judgment of the High Court but also of this Court while Tuba Sahab remains deprived of her inheritance. Therefore, we direct the District Collector, Revenue, Talagang, Punjab to immediately ensure that the requisite entries are made in the revenue record with regard to the estate left by Azhar Husain in accordance with the judgment of the High Court. Copy of the order passed today be sent to the District Collector, Revenue Talagang for information and compliance and to the respondent No. 2 (Tuba Sahab) for information.

Chief Justice

Judge

Judge

Islamabad:

27.09.2023

(M. Tauseef)

Approved for Reporting