

Ph: 9220581

REGISTERED/AD

CMA No.11393/2019 in

C.P.No.4527/2019-**SCJ**.

Supreme Court of Pakistan.

Islamabad, the 14th May, 2020.

From

The Registrar
Supreme Court of Pakistan
Islamabad.

To

✓ The Registrar,
Peshawar High Court,
Peshawar C/o Assistant Registrar (Peshawar).

Subject:- **CIVIL MISC. APPLICATION No.11393 OF 2019**

IN
CIVIL PETITION No.4527 OF 2019.

Ministry of Defence thr. its Secretary, Islamabad

...Petitioner(s)

Vs.

Masoom Jan & others

...Respondent(s)

(on appeal from the Judgment/Order of the Peshawar High Court, Peshawar dated 05.11.2019 passed in C.M.2224-P/2019 in W.P.5265-P/2018)

Dear Sir,

I am directed to enclose herewith a certified copy of an order dated **13.05.2020** passed by this Court in the above cited Civil Petition for information and necessary action.

Kindly acknowledge receipt of this letter along with its enclosure.

Yours faithfully

Encl:- As Above


ASSISTANT REGISTRAR (CIVIL-II)
FOR REGISTRAR

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE MUSHIR ALAM

MR. JUSTICE QAZI MUHAMMAD AMIN AHMED

C.M.A. No.11393 of 2019 in Civil Petition No.4527 of 2019

Ministry of Defence thr. its Secretary, Isb.

...Appellant (s)

VERSUS

Masoom Jan & others

...Respondent(s)

For the Appellant(s):

Mr. Khalid Javed Khan, A.G. Pakistan

Mr. Sajid Ilyas Bhatti, Addl. AGP

Lt. Col. Nasir JAG Branch

Lt. Col. Tanvir JAG

Maj. Haider, JAG

For the Respondent(s):

Nemo

Date of Hearing:

13.5.2020

ORDER

It is, *inter alia*, contended that the large number of cases arising out of the conviction or otherwise passed by Military Courts are pending consideration before a bench of this Court. It is stated that even a large number of cases are also pending before the Peshawar High Court and likely to be heard and decided soon. It is apprehended as also reflected from the order dated 28.4.2020 that the bench is contemplating to consider application for release/ad-interim bail of the convicts on the next date of hearing. It is stated that since question as to jurisdiction of the Court are under active consideration of this Court in large number of petitions and if at all such piecemeal decision is rendered that may not be conducive as these are not the ordinary cases arising out of the ordinary circumstances.

2.

Learned Attorney General for Pakistan concedes that

though it is a prerogative and constitutional duty of the High Court to

ATTESTED

Senior Court Associate
Supreme Court of Pakistan
Islamabad

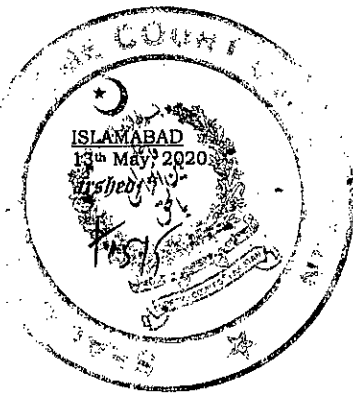
dispense justice, the petitioner may have no cavil if the cases are decided on merits instead of piecemeal or fragmented decision.

3. In this view of the matter, while issuing notice to the respondents, it is expected that interlocutory orders on CMAs may not be passed. However learned bench of the High Court may proceed to hear and decide the entire case on merits as may be deemed appropriate.

4. To come up on 18.5.2020.

Sd/-J

Sd/-J



Not approved for reporting

CERTIFIED TO BE TRUE COPY

[Signature]
**Senior Court Associate
Supreme Court of Pakistan
Islamabad**