

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

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

Civil Petition No.1990-L of 2017
(Against the judgment dated 3 May 2017
passed by Lahore High Court Multan
Bench, Multan in Civil Revision No.133-D
of 2017)

Javed Hameed, etc

....Petitioners

Versus

Aman Ullah, etc

....Respondents

For the petitioners: Syed Muhammad Ali Gilani, ASC.

For the respondents: N.R.

Date of Hearing: 10 November 2023

ORDER

Qazi Faez Isa, CJ. Learned counsel for the petitioners states that trial court did not give sufficient opportunities to the petitioners-plaintiffs to lead evidence and closed their side, and dismissed the suit and such decision was upheld by the appellate court and then by the revisional court, through the impugned judgment dated 3 May 2017.

2. The suit was filed on 16 September 2009 and was dismissed on 30 April 2016, that is, after a period of about 7 years. We have examined the order sheet and note that despite repeated opportunities the petitioners-plaintiffs did not come forward to give evidence. Despite having lost thrice the petitioners deemed it fit to file a frivolous petition for leave to appeal against the judgment of the High Court.

3. We enquired from learned counsel whether the petitioners are in possession and he answered in the affirmative. The apparent reason for dragging out the litigation was that the petitioners-plaintiffs were in illegal possession of land and their possession continues till date. By such tactics the respondents-defendants were deprived of their properties; their fundamental right, enshrined in Article 23 of the Constitution, to hold and dispose of property, violated, and the process of the court abused to procrastinate matters indefinitely by the

petitioners who were in possession and had no intention to relinquish possession of the respondents' land.

4. Courts must be vigilant that the process of the court is not abused, and ensure that legitimate owners are not deprived of their properties. From the date of filing of the suit till date 14 years have elapsed, and petitioners who were not entitled to the said land continue in possession of it, probably thinking there would no consequences for their actions. This impression must be corrected. Courts must impose costs whenever it is required, stem frivolous litigation and stop the abuse of the process of the court in perpetuating wrongdoing.

5. No illegality has been pointed out in the impugned decision. Therefore, leave to appeal is declined and consequently this petition is dismissed with costs of one million rupees, which amount shall constitute a charge on the property of the petitioners till such time the said amount is paid. The petitioners are directed to handover the peaceful possession of the said land to the respondents. Copy of this order be sent to the concerned revenue authorities who shall rectify the revenue record, if it requires rectification, and if the petitioners have not handed over the peaceful possession to the owners of the land they must ensure that it is done immediately. Copy of this order be also sent to the respondents for information.

CHIEF JUSTICE

JUDGE

JUDGE

Islamabad
10 November 2023.
(Umair)

Approved for reporting