

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Qazi Faez Isa
Mr. Justice Muhammad Ali Mazhar

Civil Appeal No. 1494 of 2017

*(On appeal from the judgment dated 03.10.2017 of the
Peshawar High Court, Circuit Court, Chitral passed in
Civil Revision No. 27/2015)*

Akber-ud-Din. ... *Appellant*

Versus

Headmaster Govt. High School Reshun and others. ... *Respondents*

For the Appellant: Mr. Asif Hameed Qureshi, ASC.
(Through video-link from Peshawar)

For Respondent No. 2: Mr. Muhammad Amir Malik, ASC.
Syed Rifaqat Hussain Shah, AOR.

Respondents No. 1, 3 and 4: *Ex-parte.*

Date of Hearing: 14.04.2023.

ORDER

Qazi Faez Isa, J. This direct appeal assails judgment dated 3 October 2017 of the learned Judge of the High Court, which allowed the civil revision filed by the respondents.

2. The learned counsel representing the appellant states that the appellant had attended Government High School, Reshun in Tehsil Mastuj, District Chitral (**'the school'**) from 9 September 1994 to 16 November 1995 and had asked the school to issue him a character certificate. The school issued the Character Certificate which stated that the appellant was caught cheating in an examination, cheating material was recovered from him, he lost his temper and abused and tore the exam paper, whereafter his name was stuck off from the school's record.

3. The appellant filed a suit on 27 February 2007 against the school and its staff which was partially decreed on 10 September 2009 by directing that another character certificate be issued to him which should not state what the earlier one had stated, but the prayer with respect to payment of damages was declined. The appellant preferred an appeal

against the said decision and *vide* judgment dated 6 March 2010 the school and other respondents were directed to pay damages of twenty thousand rupees to the appellant. The school and the other respondents filed a civil revision before the High Court against the said decision which was allowed.

4. The appellant then filed another suit in the court of Senior Civil Judge, Chitral on 7 December 2012 seeking damages of an amount of four million, two hundred and sixty one thousand rupees. The school filed an application under Order VII, rule 11 of the Code of Civil Procedure, 1908 (**'the Code'**) seeking rejection of the plaint. The application was dismissed *vide* order dated 7 March 2014 and appeal against the same was also dismissed; the school then filed a civil revision wherein the impugned order was passed. The revision was allowed by accepting the application under Order VII, rule 11 of the Code, and consequently the plaint filed by the appellant was rejected.

5. We have heard the learned counsel for the parties and examined the documents on record. We have rarely witnessed such abuse and misuse of the process of the court as in this case. The appellant attended the school for hardly a year and upon his expulsion sought issuance of a character certificate, which was issued recording the above. Somehow the appellant managed to procure a clean character certificate. But, still he was not satisfied. After almost two decades he sued for damages. The suit was hopelessly time-barred, yet it was entertained. The learned Judge of the High Court had put a stop to the abuse of the process of the court, but the appellant remains incorrigible. The appellant initiated litigation, including this appeal, which is entirely frivolous. The appellant was unnecessarily accommodated and the school and its staff were involved in endless litigation. Court time and public resources were squandered. Therefore, this appeal is dismissed with costs throughout and by imposing costs of fifteen thousand rupees herein, which the appellant shall pay to the school.

Judge

Judge

Islamabad:
14.04.2023
Approved for Reporting
(M. Tauseef)