

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Syed Mansoor Ali Shah
Mr. Justice Naeem Akhtar Afghan
Mr. Justice Shahid Bilal Hassan

C.P.L.A. No. 3300 of 2024

*(Against the judgment of Islamabad High Court,
Islamabad dated 02.07.2024 passed in C.R. No. 111/2023)*

Asma Haleem

...Petitioner

Versus

Abdul Haseeb Chaudhry and others

...Respondents

For the Petitioner(s): Mr. Abdul Wahid Qureshi
Mr. Tariq Aziz, AOR

For the Respondent(s): Not represented

Date of hearing: 30.07.2024

ORDER

Syed Mansoor Ali Shah, J. – Brief facts of the case are that the petitioner filed a suit for partition, permanent, possession, permanent and mandatory injunction regarding the built-up property constructed house two floors over land measuring 1 Kanal numbered as Plot No. 7-M, Raja Akhtar Road, Korang Valley, Shahpur, Barakahu, Islamabad. The suit property was owned by the father of the parties and after necessary proceedings, the trial court issued a preliminary decree vide order dated 13.01.2020 and appointed a local commission. Subsequently, reserve price of the suit property was fixed by the trial court which was objected by the petitioner on 16.03.2020. Thereafter, a court auctioneer was appointed by the trial court who conducted the auction proceedings and submitted his final report to the court on 18.03.2023 which was also objected by the petitioner. The said objections were turned down by the trial court vide order dated 12.04.2023 against which the petitioner preferred an appeal which was allowed vide order dated 08.07.2023. A revision petition was filed by the respondent No. 7 before the Islamabad High Court, Islamabad which was allowed vide judgment dated 02.07.2024 ("**impugned judgment**"). Hence, the instant petition for leave to appeal.

2. We have heard the learned counsel for the petitioner at some length and have gone through the impugned judgment of the High Court, examined the law on the subject and the record of the case. We have not been able to take any exception to the impugned judgment and are of the view that the present petition is completely frivolous and vexatious and the process of the court has been abused by the petitioner just to pressurize the other side and delay the matter on one pretext or the other, thereby depriving her siblings and mother from the lawful auction of the said suit property. Therefore, it does not warrant any interference.

3. Before parting with this Order, it is significant to highlight that according to the statistics provided by the Law & Justice Commission of Pakistan, there are about 2.2 million (2,255,295) cases pending before all courts in the country.¹ Such frivolous, vexatious and speculative litigation unduly burdens the courts giving artificial rise to pendency of cases which in turn clogs the justice system and delays the resolution of genuine disputes. Such litigation is required to be rooted out of the system and strongly discouraged and one of the ways to curb such practice of instituting frivolous and vexatious cases is by imposing of costs under Order XXVIII, Rule 3 of the Supreme Court Rules, 1980 which lay the foundation for expeditious justice and promote a smart legal system, enhancing access to justice by entertaining genuine claims.² In view of the aforesaid, leave is, therefore, declined and this petition is dismissed with costs of Rs. 50,000/- to be paid to the respondents and in case of its failure, the same shall be recoverable as a money decree. Copy of this Order be dispatched to the respondents for information.

Judge

Judge

Judge

Islamabad
30 July 2024
Approved for Reporting
Sadaqat/Umer A. Ranjha, LC

¹ Judicial Statistics, 2nd Bi-Annual Report (July-December 2023), Law and Justice Commission of Pakistan < <http://www.ljcp.gov.pk/reports/bar.pdf> > accessed 01 August, 2024.

² Qazi Naveed ul Islam v. District Judge, Gujrat, PLD 2023 SC 298; National Highway Authority v. Sambu Construction, 2023 SCMR 1103.