

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**Present:**

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

**Civil Petition No. 2633 of 2019**

*Naeem Tahir and others.* ... *Petitioners*

**Versus**

*Jahan Shah alias Shah Jehan and others.* ... *Respondents*

For the Petitioners: Mr. Kamran Murtaza, ASC.  
Syed Rifaqat Hussain Shah, AOR.

For Respondents No. 1-4 & 6: Mr. Ahmed Ali, ASC.  
Mr. Anis M. Shahzad, AOR.

For Respondents No. 13-17: Mian Shafaqat Jan,  
Additional Advocate-General, KP.  
a/w M. Aslam, Tehsildar, D.I. Khan.  
Mr. Baran, Qanoongo, D.I. Khan.

Date of Hearing: 04.01.2023.

**ORDER**

1. Notices were issued to the respondents. The learned Mr. Ahmed Ali states that he represents respondents No. 1 to 4 and 6 and that he has filed Civil Misc. Application No. 9098 of 2022, through which he has filed a document which, according to him, shows that the petition has been belatedly filed. However, neither said application nor affidavit in support thereof mentions what the document is, let alone explains it. The learned counsel states that documents are filed with a concise statements or an application and as per prevailing practice this is done without any explanation.

2. If there is a practice of merely filing documents through a concise statement or an application without any explanation, as contended by the learned counsel, it does not accord with the Supreme Court Rules, 1980 ('**the Rules**') nor with common sense. An application or concise statement must mention the purpose of its filing. Rule 1 of Order XVIII of the Rules stipulates that '*concise statements of the facts of the case and the arguments upon which they propose to rely*' are to be mentioned therein. And, Order

XVIII is also applicable to *supplemental proceedings*, which would include applications. Simply filing a document without explaining what it is and/or what is its effect would not put the other side on notice, as to purpose of its filing. Documents which are filed either through an application or a concise statement (save exhibits or pleadings) should be explained in the application/concise statement or in the affidavit in support thereof.

3. The learned Additional Advocate-General, Khyber Pakhtunkhwa states that he was directed to file a report which has been done through Civil Misc. Application No. 482 of 2022.

4. The learned counsel for the petitioners states that he does not have a copy of CMA No. 9098 of 2022 and requests for adjournment to obtain a copy thereof.

5. The learned counsel for the private respondents states that some of the respondents have died and he will inform the learned counsel for the petitioners, who shall bring their legal heirs on record.

6. Copy of this order be sent to the Registrar who should inform the officers of this Court receiving applications and concise statements that the same should be filed in accordance with the Rules, and as elaborated above in paragraph 2. This order has been **approved for reporting** to bring paragraph 2 to the attention of litigants, learned Advocates of the Supreme Court and learned Advocates-on-Record.

Judge

Judge

Islamabad:  
04.01.2023

Approved for Reporting  
(M. Tauseef)