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CASE LAW UPDATES

Pakistan Superior Courts — Verified Judgment Digest

Monday, 08 June 2026

Upload Window: 5-8 June 2026 (last 3 working days)

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Supreme Court of Pakistan

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ACID ATTACK SENTENCING AND VICTIM REHABILITATION

Abdul Manan @ Imran v. The State & another

LEAVE REFUSED; LIFE SENTENCE MAINTAINED; COMPENSATION DIRECTED

Criminal Petition No. 1718/2022 · Bench: Mr. Justice Muhammad Hashim Khan Kakar; Mr. Justice Salahuddin Panhwar; Mr. Justice Ishtiaq Ibrahim · Decided: 07.05.2026 · Uploaded: 08-06-2026

FACTS

On 04.09.2019 at noon, the petitioner threw acid on Mst. Iqra Perveen while she was cooking in the kitchen of her home, with the intention of permanently injuring and disfiguring her. The acid caused extensive burns to her face, chest, back, left leg, and left foot, and completely destroyed her left ear. Since the incident she has been bedridden and during her examination before the trial court on 16 January 2020 she was unable to recline, move or walk. The FIR was promptly registered, the petitioner was apprehended, and the acid bottle, medical records, injury certificates and ocular evidence were collected. The Anti-Terrorism Court, Faisalabad convicted the petitioner under Section 336-B PPC by judgment dated 01.02.2020 in Sessions Case No.138/ATC/FSD/2019, sentencing him to rigorous imprisonment for life with a fine of Rs.1,000,000/- payable as compensation to the victim, in default SI for 2 years. The Lahore High Court upheld the conviction and sentence on 21.11.2022, giving rise to the present petition for leave to appeal.

LEGAL ISSUE

Whether, on the evidence, the conviction under Section 336-B PPC was sustainable, and whether the petitioner's plea of juvenility (aged 17/18 at the time of incident) and the gravity of the offence of vitriolage warranted reduction of the sentence of life imprisonment to the statutory minimum of 14 years, and what ancillary directions (compensation under Section 544-A Cr.P.C., enforcement of statutory timelines under the Anti-Rape (Investigation and Trial) Act 2021, regulation of acid sale, and rehabilitation of survivors) ought to be issued.

HOLDING

The Court, on independent assessment, found the prosecution case proved beyond reasonable doubt: the occurrence took place in broad daylight inside the complainant's residence, the eyewitnesses were inmates whose presence could not be disputed, the victim's ocular account was unimpeachable and fully corroborated by the medical evidence including the "smoking gun" of acid burns on the petitioner's own fingers and a positive Punjab Forensic Science Agency report. The plea of juvenility was rejected because the petitioner arrived with a "can" of acid demonstrating premeditation, inflicted 3rd-degree burns over 40% of the body with total facial disfigurement, handled a dangerous corrosive substance with lethal precision, and post-occurrence resorted to malicious victim-blaming. The Court held that the minimum 14-year sentence was grossly inadequate and that life imprisonment was the only proportionate penalty. Leave was refused, the petition dismissed, and the conviction and sentence of life imprisonment maintained. Exercising powers under Section 544-A Cr.P.C., the Court directed payment of Rs.1,000,000/- as compensation to the victim, recoverable as arrears of land revenue in default. Wide-ranging recommendations were issued to the High Courts, Federal and Provincial Governments regarding strict enforcement of statutory timelines under the Anti-Rape Act 2021, complete ban on retail sale of acid with a centralized digital sale-tracking system, recognition of acid attack survivors as Persons with Disabilities entitled to dedicated quotas, and establishment of a National Acid Survivors' Rehabilitation Fund.

LEGAL SIGNIFICANCE

The judgment is a leading pronouncement on vitriolage in Pakistan. It firmly forecloses juvenility as a mitigating shield in cases of premeditated acid attacks, declares life imprisonment to be the only sentence proportionate to the "living death" inflicted on the victim, and reads Section 544-A Cr.P.C. as imposing a mandatory duty on courts to award compensation unless reasons for refusal are recorded in writing. It

integrates principles of Restorative Justice and Reparative Liability into Pakistani sentencing, expressly invokes the State's *Parens Patriae* obligation, classifies acid attack survivors as Persons with Disabilities entitled to dedicated disability quotas, endorses the Anti-Rape (Investigation and Trial) Act 2021 framework (including SSOIUs under Section 9 and the four-month timeline under Section 16) and the Punjab Acid Control Act 2025, and recommends a National Acid Survivors' Rehabilitation Fund. The directive to circulate the judgment to all High Courts, Federal/Provincial Law Secretariats, the Attorney General and Advocates/Prosecutors General converts the judicial pronouncement into a system-wide policy intervention.

LEGAL PROPOSITIONS (VERBATIM)

- *Vitriolage is an offense that is significantly more heinous than homicide.*
- *The shield of juvenility cannot be invoked to mitigate a punishment for such an inhumane act*
- *a life sentence for the perpetrator is not excessive but is the only penalty that matches the life-long sentence of disfigurement imposed upon the victim.*
- *the State cannot absolve itself of its Parens Patriae obligation as occurrence of such an atrocity reflects a systemic lapse in the State's duty to prevent crime and regulate lethal substances.*

LEGAL PRINCIPLES EXPOUNDED

Punishment must be proportionate to the gravity of the offence (*poena debit commensurari delicto*), and in cases of vitriolage the minimum statutory sentence is grossly inadequate where premeditation and exceptional depravity are established.

Source: *Poena debit commensurari delicto* is a famous maxim meaning that the punishment should correspond to the gravity of the crime. In acid cases, the injury is not a temporary wound as it is a perpetual agony for the victim.

Authority:

Juvenility is not an automatic mitigating factor in cases of premeditated, calculated brutality involving corrosive substances.

Source: the sheer gravity and calculated brutality of this offense preclude any possibility of leniency. We find that the shield of juvenility cannot be invoked to mitigate a punishment for such an inhumane act

Authority:

Section 544-A Cr.P.C. imposes a mandatory obligation on the convicting court to award compensation to the victim unless reasons for its denial are specifically recorded in writing.

Source: Section 544-A of the Code of Criminal Procedure (Cr.P.C), which obligates the Court to award compensation to the victim unless reasons for its denial are specifically recorded in writing

Authority: Section 544-A Cr.P.C.

Restorative justice and reparative liability require integration into Pakistan's judicial framework, with acid attack survivors qualifying as Persons with Disabilities entitled to dedicated quotas.

Source: the principles of Restorative Justice and Reparative Liability must be integrated into our judicial framework... acid attack survivors who suffer permanent sensory or physical damage are fully qualified to be classified as Persons with Disabilities.

Authority: *Laxmi v. Union of India* [(2014) 4 SCC 427]

Strict enforcement of statutory timelines under the Anti-Rape (Investigation and Trial) Act, 2021 is essential to translate legislative intent for speedy adjudication of vitriolage cases into living deterrence.

Source: while the statute provides the framework for a speedy trial, its success depends entirely upon the strict implementation of the prescribed statutory timelines.

Authority: Anti-Rape (Investigation and Trial) Act, 2021, Sections 9 and 16

OPERATIVE ORDER

In light of the foregoing discussion and the overwhelming evidence on record, we find no merit in this petition. The prosecution has successfully established the petitioner's guilt beyond a shadow of reasonable doubt, and the circumstances of the case offer no grounds for a reduction in the quantum of sentence. Consequently, leave is refused and this petition is dismissed, thereby maintaining the conviction and the sentence of life imprisonment passed against the petitioner by the Courts below. This Court observes with concern that the learned courts below have inadvertently overlooked the mandatory nature of Section 544-A of the Code of Criminal Procedure (Cr.P.C),

which obligates the Court to award compensation to the victim unless reasons for its denial are specifically recorded in writing (reproduced below). 544-A. Compensation of the heirs to the person killed, etc.: (1) Whenever a person is convicted of an offence in the commission whereof the death of, or hurt, injury or mental anguish or psychological damage, to any person is caused, or damage to or loss or destruction of any property is caused, the Court shall, when convicting such person, unless for reasons to be recorded in writing, it otherwise directs, order the person, convicted to pay to the heirs of the person whose death has been caused, or to the person hurt or injured, or to the person to whom mental anguish or psychological damage has been caused, or to the owner of the property damaged, lost or destroyed, as the case may be, such compensation. Consequently, to rectify this omission and in view of the gravity of the harm inflicted, we hereby exercise our powers under Section 544-A Cr.P.C to direct the Petitioner to pay a sum of Rs. 1,000,000/- (Rupees one million) as compensation to the victim, which shall be recoverable as arrears of land revenue in the event of default. Before parting with this judgement, we want to direct attention of authorities towards some important matters. We are of the firm view that while laws may be present on the statute books, their purpose is entirely defeated if implementation and enforcement remain feeble which is evident through the recurring occurrence of these horrific incidents across the country. A law serves no meaningful purpose when it exists merely as text on paper rather than a living instrument of justice; hence, the ultimate test of any legislative enactment lies in its strict enforcement. To prevent legal frameworks from becoming hollow promises, there is an urgent need to bridge the chasm between statutory intent and practical reality, ensuring that every right, procedural safeguard and timeline is strictly adhered to in its letter and spirit. In light of discussion in paragraph 10, it is strongly recommended to all worthy the High Courts that they shall actively monitor and ensure that in all cases of vitriolage, the statutory timelines provided by relevant laws for the completion of trials are strictly adhered to as the prime intent of the legislature was to provide swift, summary adjudication to prevent secondary victimization. Ensuring strict adherence to these legal timelines is vital to translating legislative intent into a powerful, living deterrent against this offense deeply rooted in gender-based violence, deep-seated misogyny, and patriarchal aggression. In view of discussion in Paragraph 11, we strongly recommend that the Federal and all Provincial Governments ensure that the sale of acid to private individuals be completely banned, wherever such unregulated retail trade still persists. We further recommend creation and implementation of a centralized digital system governed and monitored by the concerned authorities in real time to process all legal acid sales and purchases. Under this digital system, entities intending to purchase acid must apply through prescribed electronic forms, ensuring collection of the following essential details for every purchase including but not limited to quantity of acid, purpose of purchase, name and details of the purchaser, picture and biometric thumb impression of the purchaser. Such real-time system will completely eradicate manual record-keeping and will be able to manage the trade with absolute transparency. It is the expectation of this Court that, until such specialized legislative and policy frameworks are adopted across all remaining jurisdictions, stringent administrative policies and regulatory rules must immediately be formulated to standardize the sale and distribution of corrosive substances, thereby ensuring that no legal vacuum persists to facilitate such heinous acts. In view of the observations recorded in Paragraph 13, we recommend to the worthy Federal Government and Provincial Governments to take necessary steps for accommodating acid attack victims under disability quotas along with enactment and enforcement of specialized legislation for establishment of a National Acid Survivors' Rehabilitation Fund. Accordingly, it is recommended that this statutory fund shall provide: i. Comprehensive medical coverage for financing for exhaustive reconstructive surgeries and specialized physical therapy ii. Ensuring psychological and social rehabilitation through mandatory access to professional trauma counseling, psychotherapy, and psychiatric care to combat the "social death," depression, and PTSD that frequently follow such attacks iii. Economic security through a mandatory monthly stipend for survivors who, due to the nature of their injuries or ongoing medical condition, are rendered incapable of financial self-support. iv. National Rehabilitation Guidelines as a standardized framework ensuring gratuitous, lifelong medical and mental health treatment across all state-mandated and private medical facilities (funded by the above-mentioned fund). The office is directed that a copy of this judgment shall be forwarded to all the High Courts through Registrar, Federal Secretary for Law & Justice, to the Chairman Parliamentary Committee for Law & Justice, Secretary to the Government of Punjab Ministry of Law & Parliamentary Affairs Department; Secretary to the Government of Sindh Law, Parliamentary Affairs & Criminal prosecution department; Secretary to the Government of KPK Law, Justice, Parliamentary Affairs & Human Rights Department; Secretary to the Government of Balochistan Law & Parliamentary Affairs Department; Office of the Attorney General for Pakistan and the Offices of Advocate General/Prosecutor General of all the Provinces of Pakistan for doing the needful. Any steps taken in this regard shall be intimated to this court through the Registrar. Before concluding, we place on record our appreciation for the diligent assistance extended by Ms. Tayyaba Munir, Law Clerk in the present judgment.

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ACQUITTAL APPEAL; DOUBLE PRESUMPTION OF INNOCENCE**Altaf Yousuf v. The State through Additional Director FIA, Passport Circle, Karachi and another****PETITION CONVERTED INTO APPEAL; ALLOWED; ACQUITTAL RESTORED**

Cr.P.L.A. No.188-K of 2022 · Bench: Justice Muhammad Ali Mazhar; Justice Aqeel Ahmed Abbasi · Decided: 24.12.2025 · Uploaded: 05-06-2026

FACTS

FIR No.50/2006 dated 01.02.2006 was lodged at Police Station FIA, P.P Circle Karachi under Sections 419, 420, 468, 471 and 109 PPC read with Section 17(1)(b), 22(b) & 23 of the Emigration Ordinance, 1979, alleging that the accused persons in furtherance of common intention forged a passport and other documents to help accused Mst. Hira go abroad. On completion of investigation, two separate chargesheets were filed: one before the Judicial Magistrate, Malir, Karachi (PPC offences) and another before the Special Judge (Central-II), Karachi (Emigration Ordinance offences). The petitioner Altaf Yousuf was acquitted under Section 249-A Cr.P.C. by the Vth Civil Judge & Judicial Magistrate, Malir Karachi on 21.06.2006 in Case No.51/2006, and was also acquitted by the Special Judge (Central-II) Karachi on 06.12.2017 in the Emigration Ordinance case. The State filed Cr. Acquittal Appeal No.256/2007 against the order dated 21.06.2006 in the High Court of Sindh which, by impugned judgment dated 17.10.2022, set aside the acquittal qua the petitioner and remanded the matter to the Judicial Magistrate. The petitioner challenged that judgment.

LEGAL ISSUE

Whether the High Court of Sindh was justified in setting aside the acquittal order dated 21.06.2006 passed under Section 249-A Cr.P.C. by the Judicial Magistrate, Malir, Karachi and remanding the case for trial, given that the petitioner had also been acquitted in the connected Emigration Ordinance case and that the acquittal carried a double presumption of innocence; and whether the impugned reversal disclosed any independent application of mind or cogent ground warranting interference with an acquittal.

HOLDING

The Court held that the Trial Court had proficiently considered every nook and cranny of the prosecution case, finding that the petitioner had only issued air tickets as a travel agent which by itself did not amount to cheating or fraud, that no tangible evidence of fraud, cheating, inducement, dishonesty or impersonation surfaced on record, and that no statement of co-accused under Section 164 Cr.P.C. was recorded. By contrast, the High Court reversed the acquittal without advert to any cogent or solid ground, without independent application of mind, and in a slipshod manner, despite acknowledging that the Special Judge (Central-II), Karachi had already acquitted the petitioner in the connected case. Reaffirming that an acquittal carries a double presumption of innocence and that interference is rare unless glaring errors of law or fact are shown, the Court allowed the petition. By Short Order dated 24.12.2025 the criminal petition was converted into an appeal and allowed, the impugned High Court judgment dated 17.10.2022 was set aside, and the acquittal order dated 21.06.2006 of the Vth Judicial Magistrate Malir Karachi in Case No.51/2006 (FIR No.50/2006) was restored.

LEGAL SIGNIFICANCE

The judgment reinforces the entrenched principle in Pakistan's criminal jurisprudence that an order of acquittal carries a "double presumption of innocence" and that appellate interference is rare and confined to cases disclosing glaring errors of law or fact producing a shocking conclusion. It restates that where two reasonable conclusions are possible the one supporting acquittal must prevail. The Court also clarifies the evidentiary scope of Articles 38 and 39 of the Qanun-e-Shahadat Order, 1984 in the context of confessions by co-accused, and confirms that mere indictment cannot be treated as evidence of guilt absent discharge of the prosecution's burden beyond reasonable doubt. The decision is a useful authority for resisting acquittal appeals founded on superficial reasoning and absent independent appraisal of the trial court record.

LEGAL PROPOSITIONS (VERBATIM)

— An acquittal is called a "double presumption of innocence" and it is not mandatory that there must be numerous aftermaths that give rise to doubts to justify the benefit to the accused, rather a single circumstance if creating reasonable doubt is enough to enable him a benefit.

— In the criminal justice system, if two sensible and judicious conclusions can be drawn, then the view which espouses and provides backing towards acquittal must be subscribed to.

— The presumption of innocence is not mere legal theory but it is in fact evidence in favour of the accused and starting point with the assumption that the accused has not committed any crime, but this powerful shield is not impenetrable come what may. Rather, it can be subjugated if the prosecution produces irresistible and credible evidence to meet high standards of proof beyond a reasonable doubt.

— mere indictment cannot be treated as evidence of guilt unless the burden of proving every element of the crime beyond a reasonable doubt is discharged by the prosecution.

LEGAL PRINCIPLES EXPOUNDED

An acquittal carries a double presumption of innocence and appellate courts will not ordinarily interfere unless glaring errors of law and fact are demonstrated.

Source: The interference in a judgment of acquittal is found to be rare unless some glaring errors of law and fact are shown by the prosecution to demonstrate that the acquittal judgment is perfunctory with shocking conclusion.

Authority:

Where two reasonable and judicious conclusions can be drawn from the evidence, the view supporting acquittal must be preferred.

Source: if two sensible and judicious conclusions can be drawn, then the view which espouses and provides backing towards acquittal must be subscribed to.

Authority:

The burden of proof in criminal cases lies on the prosecution to establish guilt beyond reasonable doubt; presumption of innocence is the foundation stone of criminal justice.

Source: it is obligatory for the prosecution to prove the guilt beyond a reasonable doubt and the incriminating material/evidence should be so convincing and logical in which no other inference could be drawn except the guilt of accused.

Authority: Latin maxim "ei incumbit probatio qui dicit, non qui negat"

A confession made to a police officer or while in police custody (otherwise than in immediate presence of a Magistrate) cannot be proved against an accused.

Source: According to Article 38 of the Qanun-e-Shahadat Order 1984, no confession made to a police officer shall be proved as against a person accused of any offence. Whereas the nitty-gritties of Article 39 explicates that subject to Article 40, no confession made by any person whilst he is in the custody of a police officer, unless it is made in the immediate presence of a Magistrate, shall be proved as against such person.

Authority: Articles 38 and 39, Qanun-e-Shahadat Order, 1984

Reversal of an acquittal without independent application of mind or cogent reasoning is unsustainable.

Source: The learned High Court while reversing the acquittal did not advert to any cogent or solid ground for its reversal and remanding the matter to the Trial Court after a long period of time. No independent application of mind seems to have been applied to evaluate the Trial Court order but the acquittal order was set aside in a slipshod manner without scrutiny of record or incriminating material

Authority:

OPERATIVE ORDER

This Criminal Petition was converted into an appeal and allowed vide our Short Order dated 24.12.2025, whereby the impugned judgment passed by High Court of Sindh, Karachi, on 17.10.2022 in CrI. Acquittal Appeal No.256/2007 was set aside and the order dated 21.06.2006 passed by the Court of Vth Judicial Magistrate Malir Karachi in Case No.51/2006 (FIR No.50/2006 registered under Sections 419, 420, 468, 471 and 109 PPC) was restored. Above are the reasons assigned in support of our Short Order.

■ [View Full Judgment](#)

Lahore High Court

3 judgments

DISMISSAL WITHOUT REGULAR INQUIRY UNDER PEEDA

Muhammad Shahzad Siddique v. Province of Punjab, etc.

PETITION ALLOWED; DISMISSAL SET ASIDE; REINSTATED

W.P. No. 8859 of 2024/BWP; 2026 LHC 3370 · Bench: Faisal Zaman Khan, J. · Decided: 02.06.2026 · Uploaded: 08-06-2026

FACTS

The petitioner, a Chowkidar with the Cholistan Development Authority, was proceeded against under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 on allegations that an unrelated boy and girl were found in semi-naked condition in his quarter on 11.08.2012 and that he was habitually indulging in immoral activities and was reportedly found drunk. The regular inquiry was dispensed with, a show cause notice proposing only minor penalties was issued, and through order dated 11.09.2012 respondent No.2 imposed the major penalty of dismissal from service. Departmental appeal was dismissed on 06.06.2013; a service appeal before the Punjab Service Tribunal was dismissed on 13.05.2014 for want of jurisdiction; a writ petition was disposed of on 19.09.2019 referring the matter to the Punjab Labour Court, which in turn remitted it to respondent No.1, who upheld dismissal on 10.10.2024.

LEGAL ISSUE

Whether, under the proviso to Sections 5(b)(ii) and Section 7(a) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006, the competent authority could lawfully dispense with the regular inquiry and impose the major penalty of dismissal from service on the basis of an internal/fact-finding inquiry, where the allegations involved disputed questions of fact, no written reasons were recorded for dispensing with the regular inquiry, and the final show cause notice confronted the petitioner only with proposed minor penalties.

HOLDING

The Court held that the impugned orders are unsustainable. The allegations involved disputed and controversial questions of fact requiring recording of evidence and opportunity of cross-examination, hence a regular inquiry was imperative; the competent authority neither recorded any valid written reasons for dispensing with the regular inquiry nor could an internal/fact-finding inquiry substitute it. The imposition of the major penalty of dismissal, after a show cause notice that proposed only minor penalties and without confronting the petitioner with the proposed major penalty, offended natural justice. The appellate orders dated 06.06.2013 and 10.10.2024 likewise failed to cure these jurisdictional and procedural defects. The petition was allowed, the impugned orders set aside, the petitioner reinstated, and respondent-Authority was permitted, if it so required, to initiate de novo proceedings keeping in view the observations made in the judgment; back benefits to be considered on application in accordance with law.

LEGAL SIGNIFICANCE

The judgment reinforces that under PEEDA, 2006 the power to dispense with a regular inquiry is an exception to the general rule and can only be exercised where the competent authority records valid and cogent reasons in writing demonstrating impracticability, and cannot be exercised arbitrarily or as a matter of routine. It also crystallises that an internal/fact-finding inquiry cannot be equated with a statutory regular inquiry, and that where a show cause notice proposes only minor penalties, the competent authority cannot deviate and impose a major penalty without first confronting the delinquent with the proposed major punishment - any such deviation offends natural justice and renders the resultant order void.

LEGAL PROPOSITIONS (VERBATIM)

— *The power to dispense with a regular inquiry is an exception to the general rule and can only be exercised where the competent authority records valid and cogent reasons in writing demonstrating that holding of such inquiry is either impracticable or otherwise not feasible under the circumstances of the case, however, such*

power cannot be exercised arbitrarily or as a matter of routine.

— *An internal or preliminary inquiry is merely a fact-finding exercise undertaken for the satisfaction of the employer to ascertain whether there exists sufficient material warranting initiation of disciplinary proceedings against an employee.*

— *Where only a minor penalty is proposed, the competent authority, without putting the employee on notice if he decides to impose major penalty deviating from the penalties proposed in the show cause notice, such action offends the principles of natural justice and renders the resultant order unsustainable in the eyes of law.*

LEGAL PRINCIPLES EXPOUNDED

Dispensing with a regular inquiry under PEEDA is an exception conditional on recording written reasons; mere availability of an internal/fact-finding inquiry does not justify departure from the statutory norm.

Source: *in the absence of any recorded reasons justifying departure from the normal procedure, the action of respondent No.2 in dispensing with the inquiry suffers from patent illegality and is violative of the principles of due process and fair trial envisaged by law.*

Authority: Sections 5(b)(ii) proviso & 7(a), PEEDA Act 2006

Disputed questions of fact in disciplinary allegations necessitate regular inquiry with evidence and cross-examination.

Source: *the allegations levelled against the petitioner involve disputed and controversial questions of facts requiring recording of evidence and affording an opportunity of cross-examination and defence.*

Authority:

An internal/fact-finding inquiry is distinct from a statutory regular inquiry and cannot be treated as its substitute.

Source: *an internal inquiry can neither be equated with nor treated as a substitute for a regular inquiry as contemplated by law.*

Authority: *Usman Ghani v. Chief Post Master, GPO Karachi (2022 SCMR 745)*

Where only minor penalties are proposed in the show cause notice, imposing a major penalty without fresh confrontation offends natural justice.

Source: *an employee must be specifically confronted with the proposed punishment so as to enable him to furnish an effective reply thereto.*

Authority: *Fazal Hussain v. Commissioner DG Khan (2026 SCMR 723); Sanallah Sani v. Secretary Education (2024 SCMR 80)*

Where a statute prescribes a particular manner of doing an act, it must be done in that manner alone; departure renders the act unlawful.

Source: *A communi observantia non est recedendum (Where a thing was provided to be done in a particular manner it had to be done in that manner and if not so done, same would not be lawful.)*

Authority: *Muhammad Anwar v. Mst. Ilyas Begum (PLD 2013 SC 255); Muhammad Akram v. Mst. Zainab Bibi (2007 SCMR 1086)*

OPERATIVE ORDER

For what has been discussed above, this petition is allowed, as a sequel to which the impugned orders are set aside, resultantly, the petitioner is reinstated into service with the caveat that for grant of back benefits, he may if so advised apply to the respondent-Authority through an application which shall be considered and decided in accordance with law while determining the question as to whether or not the petitioner remained gainfully employed during the interregnum period. It is further clarified that the respondent-Authority, if so requires, may also initiate de novo proceedings against the petitioner keeping in view the observations made in this judgment.

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MAINTENANCE, DOWRY AND DEFERRED DOWER IN FAMILY SUIT**Sohail Zarar Ali Khan v. Additional District Judge and others****WRIT PETITION DISMISSED; IMPUGNED DECREES UPHELD***W.P. No. 48803 of 2020; 2026 LHC 3358 · Bench: Raheel Kamran, J. · Decided: 20.05.2026 · Uploaded: 08-06-2026***FACTS**

Respondent No.3, Mst. Laleen Ali Khan, instituted a family suit against the petitioner for recovery of maintenance allowance for herself and her three minor daughters (respondents No.4-6), recovery of dowry articles and deferred dower. She pleaded that she was married to the petitioner on 25.06.2005 and that on 16.11.2016 the petitioner ousted her from the matrimonial home after snatching the minors, whose custody she later obtained through the Islamabad High Court. The Family/Guardian Judge-VII, Lahore, vide judgment and decree dated 11.06.2019, partly decreed the suit awarding Rs.1,00,000/- per month maintenance for each minor (with 10% annual increase and school/college/university fee), Rs.30,000/- per month maintenance for the plaintiff till expiry of Iddat, and Rs.10,00,000/- as alternate value of dowry articles, while dismissing the claim of deferred dower. On the petitioner's appeal, the ADJ, Lahore, vide judgment and decree dated 05.06.2020, partly accepted the appeal, reduced the alternate value of dowry articles to Rs.5,00,000/-, and additionally decreed Rs.5,00,000/- as 50% of deferred dower.

LEGAL ISSUE

Whether the maintenance allowance awarded to the minor daughters and the plaintiff was excessive or unjustified given the petitioner's alleged limited means and the alleged disobedience of the plaintiff; whether the alternate value of dowry articles awarded to the plaintiff was sustainable; and whether the Appellate Court, in an appeal filed by the petitioner alone and absent any appeal or cross-objections by the plaintiff, was competent to decree 50% of the deferred dower in favour of the plaintiff after the Family Court had dismissed that claim.

HOLDING

The Court held that the petitioner's pleadings denying his business resources stood demolished by his own admissions in cross-examination - ownership of agricultural land, directorship and shareholding in Frobel's Company (Pvt.) Ltd. operating seven schools, business in the fruit market at Islamabad, association with Synergen and chairmanship of Pak Iran Bank - justifying the maintenance of Rs.1,00,000/- per minor with 10% annual increase and educational expenses. The plaintiff's separation was attributable to torture, drug addiction and the petitioner's unauthorised second marriage; alleged disobedience could not defeat her right to maintenance for Iddat-period reckoning. The contradictory pleadings on dowry could not unsettle the Appellate Court's balanced reduction to Rs.5,00,000/-. On deferred dower, the burden of proving payment lay on the petitioner and was not discharged; and despite the absence of an appeal or cross-objections by the plaintiff, the Appellate Court could correct the Family Court's error under the inherent appellate power analogous to Order XLI Rule 33 CPC, particularly in family jurisdiction, to do complete justice. The petition was held to be without merit and was dismissed.

LEGAL SIGNIFICANCE

The judgment consolidates several pro-claimant principles in family-law adjudication: (i) where a father conceals or understates his financial resources, an adverse inference may be drawn and maintenance fixed within his actual capacity; (ii) maintenance must reflect the children's previous standard of living and educational requirements and cannot be curtailed merely because the children now reside with their mother; (iii) alleged disobedience is not a legal ground to deny maintenance; (iv) an unauthorised second marriage by the husband renders the entire dower (prompt and deferred) immediately payable and furnishes lawful justification for the wife to refuse cohabitation; (v) Appellate Courts in family matters retain inherent power, analogous to Order XLI Rule 33 CPC, to grant relief to a non-appealing wife, former wife or child where the Family Court erred in not granting it, notwithstanding Section 17 of the Family Courts Act, 1964 excluding the CPC.

LEGAL PROPOSITIONS (VERBATIM)

- *Where a father is required to maintain his children, his past and present earnings, assets and financial capacity are material considerations for determining the quantum of maintenance. If he withholds such information or attempts to conceal his resources, an adverse inference may legitimately be drawn against him.*
- *A father who provided a high standard of living to his children while they were in his custody, cannot seek to curtail that standard merely because the children are living with their mother after breakdown of the matrimonial relationship. The obligation to maintain children is independent of disputes between spouses.*
- *Once the deferred dower had become immediately payable on account of the petitioner's second marriage, the failure of the petitioner to discharge such obligation furnished an independent and lawful justification to the plaintiff to decline resumption of matrimonial obligations. A husband who himself withholds a legally payable dower cannot insist upon performance of corresponding matrimonial duties by the wife, nor can he characterize her refusal in such circumstances as disobedience.*
- *A wife, former wife, child or children should not be disentitled of a relief merely because the Family Court failed to pass an order which ought to have been passed in their favour and if the Appellate Court corrects such a mistake, it does so in exercise of powers inherent in an appellate court.*

LEGAL PRINCIPLES EXPOUNDED**Concealment of financial resources by a maintenance-paying father invites adverse inference.**

Source: *If he withholds such information or attempts to conceal his resources, an adverse inference may legitimately be drawn against him.*

Authority: *Muhammad Asim v. Mst. Samro Begum (PLD 2018 SC 819)*

Maintenance must mirror the children's prior standard of living and is independent of inter-spousal disputes.

Source: *A father who provided a high standard of living to his children while they were in his custody, cannot seek to curtail that standard merely because the children are living with their mother after breakdown of the matrimonial relationship.*

Authority:

Alleged disobedience is not a legal ground to deny maintenance; presumptions cannot nullify a husband's obligation to pay.

Source: *alleged disobedience is not a legal ground to deny maintenance.*

Authority: *Dr. Seema Hanif Khan v. Waqas Khan (PLD 2026 SC 91); Haseen Ullah v. Mst. Naheed Begum (PLD 2022 SC 686)*

Unauthorised second marriage makes the entire dower (prompt and deferred) immediately payable, and a husband who withholds it cannot demand resumption of matrimonial duties.

Source: *A husband who himself withholds a legally payable dower cannot insist upon performance of corresponding matrimonial duties by the wife, nor can he characterize her refusal in such circumstances as disobedience.*

Authority: *Muhammad Jamil v. Mst. Sajida Bibi (PLJ 2021 SC 28)*

Appellate Courts in family jurisdiction possess inherent power analogous to Order XLI Rule 33 CPC to grant relief to a non-appealing wife/child.

Source: *if the Appellate Court corrects such a mistake, it does so in exercise of powers inherent in an appellate court.*

Authority: *Shahro v. Mst. Fatima (PLD 1998 SC 1512); Suba v. Abdul Aziz (2008 SCMR 332); Muhammad Asim v. Mst. Samro Begum (PLD 2018 SC 819)*

OPERATIVE ORDER

For the foregoing reasons, the conclusions reached by the courts below particularly the appellate court are supported by the record and by settled principles governing family matters. The petition in hand being bereft of merit, is dismissed. There shall be no order as to costs.

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SUMMONING WITNESS OUTSIDE LIST - ORDER XVI RULE 1(2) CPC**Rizwan Rasheed v. Additional District Judge etc.****CONSTITUTIONAL PETITION ALLOWED; APPLICATION ACCEPTED***W.P. No. 6358/2025; 2026 LHC 3351 · Bench: Anwaar Hussain, J. · Decided: 05.05.2026 · Uploaded: 06-06-2026***FACTS**

The respondent/plaintiff instituted a suit for specific performance against the petitioner/defendant, claiming to be a co-purchaser by virtue of an alleged payment of Rs.3,100,000/- towards the balance sale consideration payable by the petitioner to Mst. Manzooran Bibi. The petitioner denied receipt of any amount, contending that a cheque issued by the respondent was returned and never encashed. After settlement of issues, both parties filed lists of witnesses under Order XVI Rule 1(1) CPC; the Branch Manager of Habib Bank Ltd., Baldia Road Branch, Hasilpur (where the respondent maintained an account) was included in the respondent's list but was not produced. On 20.03.2024 the Trial Court framed additional issues, including Issue No.2-A concerning the impugned cheque No.T16621521 for Rs.16,00,000/-, but parties were not called upon to file supplementary lists. At the defence-evidence stage the petitioner moved an application under Order XVI Rule 1(2) CPC to summon the Branch Manager along with the original record; the Trial Court declined on 17.04.2025 and the Revisional Court upheld the refusal on 14.07.2025.

LEGAL ISSUE

Whether the petitioner/defendant had shown "good cause" within the meaning of Order XVI Rule 1(2) CPC (as amended by the Lahore High Court) for summoning, at the stage of defence evidence, a witness (the Branch Manager) whose name did not feature in the petitioner's list of witnesses, where (a) the witness's name was already included in the respondent/plaintiff's list but was withheld, (b) additional issues including Issue No.2-A concerning the impugned cheque were subsequently framed, and (c) the Trial Court did not call upon the parties to file supplementary lists of witnesses after framing of those additional issues.

HOLDING

The Court held that under the amended Order XVI Rule 1(1) CPC the filing of a list of witnesses is not an automatic duty of the parties but follows a direction of the Court, which was admittedly never issued after the framing of additional issues on 20.03.2024. Good cause within Order XVI Rule 1(2) CPC was established on two-fold basis: first, the absence of any direction to file fresh lists after framing of additional issues; and secondly, the Branch Manager whose summoning was sought was already on the respondent/plaintiff's list of witnesses but had been withheld, justifying the petitioner's non-inclusion in his own list. The burden of proving Issue No.2-A relating to the cheque was cast on the petitioner, and refusal to summon the witness would prejudice the defence. The impugned orders dated 17.04.2025 and 14.07.2025 suffered from material irregularity in the exercise of discretion. The petition was allowed, the impugned orders were set aside and, as a corollary, the petitioner's application under Order XVI Rule 1(2) CPC was accepted.

LEGAL SIGNIFICANCE

The judgment clarifies the operation of the Lahore High Court-amended Order XVI Rule 1(1) & (2) CPC: where a witness's name appears in a party's list, summoning is a statutory right and the Court's role is ministerial; where omitted, the party must show "good cause". It expounds two important corollaries: (i) after framing of additional issues, the obligation to direct parties to file supplementary lists lies on the Court, and absence of such direction itself contributes to good cause; and (ii) where a witness already cited by the opposing party is withheld, the other party has good cause to seek summoning of that very witness, especially when the witness's evidence bears directly on an issue whose burden rests on the applicant. Procedural rules are to be construed to advance, not impede, justice.

LEGAL PROPOSITIONS (VERBATIM)

— *The distinction, therefore, is fundamental: inclusion of the name in the list confers a statutory right to summon the witness, whereas omission from the list creates a bar, which can only be lifted upon showing good cause. The discretion so vested is to be exercised judicially, to ensure that procedural rules advance, and do not*

impede, the cause of justice.

— *Under the amended Rule 1(1) of Order XVI, CPC, filing of list of witnesses is not automatic duty cast upon the parties; rather, the matter is left to the act of the Court, directing the parties to submit such list.*

— *It is well settled that procedural provisions are intended to facilitate the administration of justice. The Courts should adopt an approach, which advances the cause of justice, particularly where the evidence sought to be produced is relevant for a proper adjudication of the controversy.*

LEGAL PRINCIPLES EXPOUNDED

Where a witness's name appears in the list under Order XVI Rule 1(1) CPC, the right to summon is statutory; where omitted, summoning is permissible only on showing "good cause".

Source: inclusion of the name in the list confers a statutory right to summon the witness, whereas omission from the list creates a bar, which can only be lifted upon showing good cause.

Authority: Order XVI Rule 1(1) & (2) CPC (as amended by Lahore High Court)

After framing of additional issues, parties cannot file supplementary lists of witnesses sua sponte; the Court must direct them to do so.

Source: Under the amended Rule 1(1) of Order XVI, CPC, filing of list of witnesses is not automatic duty cast upon the parties; rather, the matter is left to the act of the Court, directing the parties to submit such list.

Authority:

Where the opposing party has cited a witness in its own list but withholds him, the other party has good cause to seek his summoning, especially where the burden of proof on the relevant issue lies on the applicant.

Source: The petitioner/defendant had good cause for not including the Branch Manager in his own list of witnesses as the said witness had already been cited by the respondent/plaintiff and was expected to appear alongwith the relevant record... Refusal to summon the Branch Manager would prejudice the defence of the petitioner/defendant as burden to prove issue No.2-A is cast upon the petitioner/defendant.

Authority:

Procedural provisions must be construed to advance, not impede, the cause of justice.

Source: The Courts should adopt an approach, which advances the cause of justice, particularly where the evidence sought to be produced is relevant for a proper adjudication of the controversy.

Authority:

OPERATIVE ORDER

In view of the above, the impugned orders passed by the Courts below are not sustainable in the eye of law and suffer from material irregularity in the exercise of discretion. Consequently, this constitutional petition is allowed. The impugned orders dated 17.04.2025 and 14.07.2025 passed by the Courts below are set aside. As a corollary, the application filed by the petitioner/defendant under Order XVI Rule 1(2), CPC is accepted.

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