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CASE LAW UPDATES

Pakistan Superior Courts — Verified Judgment Digest

Thursday, 30 July 2026

Upload Window: 28-30 July 2026 — Catch-Up Supplement

SC: 5 judgments | LHC: 2 judgments | SHC: 1 judgment | FCC/IHC: no new entries

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Exclusions and coverage notes: this supplement sweeps the judgments uploaded on 28, 29 and 30 July 2026, a window that fell between the 27 July issue and the 3 August issue. The only Federal Constitutional Court judgment uploaded in this window, C.P.L.A. No. 2793-L of 2022 (uploaded 30 July 2026), is not repeated here because it was already reported in the Case Law Updates of 3 August 2026. The Islamabad High Court reported no uploads for any of the three dates, and accordingly there is no IHC entry. The two Sindh High Court matters listed separately on the SHC caselaw portal — Miscellaneous Appeal No. 41 of 2017 (HUM Network Limited, 2026 SHC KHI 1476) and Miscellaneous Appeal No. 10 of 2018 (Apna TV Channel (Pvt) Limited, 2026 SHC KHI 1477) — were on extraction found to be one and the same common judgment of Sana Akram Minhas J dated 30 July 2026 disposing of both appeals; they are therefore reported here as a single consolidated entry rather than duplicated. No judgment in this window had to be dropped as scanned, image-only or otherwise unreadable.

Supreme Court of Pakistan

5 judgments

PUNJAB PRE-EMPTION ACT 1991; MUHAMMADAN LAW OF PRE-EMPTION — WHERE THE MUTATION RECORDS AN EXCHANGE (BADAL) THE BURDEN LIES ON THE PRE-EMPTOR TO PROVE THE TRANSACTION WAS IN SUBSTANCE A SALE, AND FAILURE TO PRODUCE THE POSTMAN WHO SERVED THE TALB-I-ISHHAD NOTICE IS FATAL

Sultan Ahmad and another v. Muhammad Azam (deceased) through L.Rs. and others

APPEALS ALLOWED; JUDGMENTS AND DECREES OF THE HIGH COURT AND THE APPELLATE COURT SET ASIDE; DECREE OF THE TRIAL COURT DISMISSING THE SUIT RESTORED; APPROVED FOR REPORTING

C.A. No. 28-L, 29-L & 30-L/2011 (against the judgment dated 30.08.2010 of the Lahore High Court, Lahore in C.R. No. 884/2003) · Bench: Shahid Bilal Hassan, J. (authoring); Musarrat Hilali, J. · Decided: 27.07.2026 · Uploaded: 30.07.2026

FACTS

The respondent, Muhammad Azam, instituted a suit for pre-emption in respect of a transaction affecting the suit property which had been recorded by mutation. The Trial Court, on an appraisal of the evidence, dismissed the suit. The Appellate Court reversed that decree and decreed the suit, and the Lahore High Court maintained the decree in revision by its judgment dated 30.08.2010. Leave to appeal having been granted, the appellants pressed two grounds: first, that the transaction embodied in the impugned mutation was one of exchange (badal) and not a sale, so that no right of pre-emption accrued at all; and secondly, that even if the transaction were a sale, the respondent had failed to prove the mandatory requisites of pre-emption, in that the notice of Talb-i-Ishhad had not been proved in accordance with law, the postman who allegedly effected service of the registered notice was never produced despite specific denial, and the respondent had not disclosed the source from which he acquired knowledge of the sale consideration.

LEGAL ISSUE

Whether the transaction recorded in the impugned mutation was a sale attracting the right of pre-emption or an exchange; upon whom the burden of proving the true character of the transaction rests; and whether the mandatory requirements of Talb-i-Ishhad and disclosure of the source of knowledge of the sale consideration had been satisfied.

HOLDING

The mutation and the attendant circumstances demonstrated that the parties had exchanged their respective properties. Because the right of pre-emption is a weak right which restricts an owner's freedom of alienation, the provisions creating it must be strictly construed, and since the right arises only where the transaction is a sale, the burden lay on the pre-emptor to establish that the transaction, whatever its form, was in reality a sale. The respondent produced no credible evidence of payment or promise of consideration, and the Courts below misdirected themselves by shifting the burden onto the defendants. Independently, the respondent failed to prove the Talb-i-Ishhad notice, having omitted to produce the postman despite specific denial, and failed to disclose the source of his knowledge of the sale consideration. The appeals were accordingly allowed and the suit dismissed.

LEGAL SIGNIFICANCE

The judgment consolidates three strands of pre-emption law in a single decision: strict construction of the pre-emption statute because the right is a weak one; the allocation of the burden of proof on the character of the transaction to the pre-emptor rather than the vendee; and the evidentiary indispensability of the postman where service of a registered Talb-i-Ishhad notice is denied. It applies the recent ruling in Muhammad Mushtaq v. Malik Mutaz (2026 SCMR 54) and reaffirms Allah Ditta v. Muhammad Anar (2013 SCMR 866), Dayam Khan v. Muslim Khan (2015 SCMR 222) and Subhanuddin v. Pir Ghulam (PLD 2015 SC 69).

LEGAL PROPOSITIONS (VERBATIM)

> *— The right of pre-emption is a weak right and a restriction upon an owner's freedom to alienate his property; the provisions creating such a right must therefore receive strict construction.*

— Since the right of pre-emption arises only where the impugned transaction is a sale, the burden rests squarely upon the pre-emptor to establish that the transaction, notwithstanding its form, was in reality a sale.

— Where the transaction recorded in the mutation is an exchange, no right of pre-emption arises, and where any ambiguity exists as to the true nature of the transaction the Courts ought not to presume it to be a sale.

— Where service of the Talb-i-Ishhad notice is disputed, production of the postman is indispensable and failure to examine him is fatal to the pre-emptor's case.

— A pre-emptor must disclose the source from which he acquired knowledge of the sale consideration; merely stating the sale price without disclosing the source is inconsistent with the principles governing the law of pre-emption.

LEGAL PRINCIPLES EXPOUNDED

Pre-emption is a weak right restricting alienation and the statute creating it must be strictly construed.

Source: *It is by now well settled that the right of pre - emption is a weak right and constitutes a restriction upon an owner's freedom to alienate his property; consequently, the provisions creating such a right must receive strict construction.*

Authority: *Supreme Court of Pakistan, C.A. No. 28-L/2011 etc., per Shahid Bilal Hassan, J., para 4*

The burden of proving that a transaction recorded as an exchange was in reality a sale lies on the pre-emptor.

Source: *Since the right of pre - emption arises only where the impugned transaction is a sale, the burden squarely rests upon the pre - emptor to establish that the transaction, notwithstanding its form, was in reality a sale.*

Authority: *Supreme Court of Pakistan, C.A. No. 28-L/2011 etc., per Shahid Bilal Hassan, J., para 4*

Where service of Talb-i-Ishhad is disputed, non-production of the postman is fatal.

Source: *where service of Talb - i - Ishhad is disputed, production of the postman is indispensable and failure to examine him is fatal to the pre - emptor's case*

Authority: *Supreme Court of Pakistan, C.A. No. 28-L/2011 etc., para 6, applying Allah Ditta v. Muhammad Anar (2013 SCMR 866) and Dayam Khan v. Muslim Khan (2015 SCMR 222)*

A pre-emptor must disclose the source of his knowledge of the sale consideration.

Source: *a pre - emptor cannot merely state the sale price without disclosing the source of such information*

Authority: *Supreme Court of Pakistan, C.A. No. 28-L/2011 etc., para 7, applying Subhanuddin v. Pir Ghulam (PLD 2015 SC 69)*

OPERATIVE ORDER

Appeals allowed. The judgments and decrees of the Lahore High Court and of the Appellate Court set aside. The judgment and decree of the Trial Court dismissing the suit restored, albeit for reasons different from those assigned therein. The suit for pre-emption filed by the respondent stands dismissed.

■ **View Full Judgment**

KHYBER PAKHTUNKHWA MEDICAL TEACHING INSTITUTIONS REFORMS ACT 2015 SS.4A, 5(7), 16(8) & 16-A; KP MTI APPELLATE TRIBUNAL RULES 2020 R.25; CONSTITUTION ART.175(2) — A STATUTORY APPELLATE TRIBUNAL HAS NO SUO MOTU JURISDICTION AND CANNOT GRANT RELIEF BEYOND THE PLEADINGS OR CONDEMN NON-PARTIES UNHEARD

Policy Board Medical Teaching Institutes, Khyber Pakhtunkhwa through its Chairman v. Dr. Yasir Rehman Khattak and others (heard with C.P.L.A. Nos. 922-P, 923-P and 5716 of 2025)

CIVIL PETITIONS CONVERTED INTO APPEALS AND ALLOWED; JUDGMENT OF THE KP MTI APPELLATE TRIBUNAL SET ASIDE; APPROVED FOR REPORTING

C.P.L.A. Nos. 3933, 922-P, 923-P & 5716 of 2025 (against the consolidated judgment dated 22.05.2025 of the Khyber Pakhtunkhwa Medical Teaching Institutions Appellate Tribunal in MTI Appeals No. 49/2024 & 47/2024) · Bench: Muhammad Ali Mazhar, J. (authoring); Musarrat Hilali, J. · Decided: 18.02.2026 · Uploaded: 29.07.2026

FACTS

The Policy Board of the Medical Teaching Institutions of Khyber Pakhtunkhwa, a statutory body under Section 4 of the MTI Act 2015, approved in January 2023 certain amendments to Appendix-8 of the Model MTI Regulations, incorporating a clause for 'Accelerated Promotion for Outstanding Merit' permitting promotion after a minimum of four years' service subject to a score of 70% or more. Dr. Yasir Rehman Khattak and Dr. Nasreen Kishwar applied for accelerated promotion to the post of Associate Professor. The Departmental Promotion Committee found them fit, but the Institutional Promotion Committee declared them ineligible for want of the five years' experience required as a minimum by the PM&DC Regulations. Their appeals to the KP MTI Appellate Tribunal were dismissed; but the Tribunal went further and, without notice to the Policy Board or to any affected employee, declared the amended Appendix-8 ultra vires and directed the Boards of Governors to scrutinise all promotions made since the promulgation of the MTI Act 2015 and to revert every employee promoted without an available vacancy or under the accelerated promotion policy. The Policy Board, the Lady Reading Hospital Board of Governors and both doctors challenged that judgment.

LEGAL ISSUE

Whether the KP MTI Appellate Tribunal, whose appellate jurisdiction under Section 16-A of the MTI Act is confined to appeals under Section 5(7) and Section 16(8), could of its own motion strike down the amended Appendix-8 and direct the scrutiny and reversion of all promotions made since 2015, without notice to the Policy Board or to the affected employees.

HOLDING

The Tribunal acted wholly beyond jurisdiction. Under the MTI Act and the enabling Rules it has no suo motu power to inaugurate proceedings or investigations of its own accord; judicial power may be exercised only within the limits of the jurisdiction conferred by law, as Article 175(2) of the Constitution requires. The law of pleadings is the most judicious device for restricting a Court or Tribunal, and a decision founded on issues alien to the pleadings is a nullity or without lawful authority. The Tribunal further violated the right to fair trial and due process by directing the demotion of a large number of employees promoted since 2015 who were never impleaded and never noticed. Educational institutions are the best judges of their own rules and regulations and the Courts ordinarily abstain from disturbing their decisions on promotion and eligibility criteria save where the Constitution, the statute, the rules or natural justice are disregarded. The petitions were converted into appeals and allowed, and the impugned judgment set aside, with liberty to the two doctors to apply afresh for promotion.

LEGAL SIGNIFICANCE

A clear restatement of the outer limits of tribunal jurisdiction in Pakistan: statutory tribunals of confined appellate jurisdiction possess no suo motu or inquisitorial power, must decide secundum allegata et probata, and cannot pass sweeping structural directions affecting persons not before them. The judgment is also a significant statement on institutional autonomy in the academic and medical-education sphere, and on the reach of audi alteram partem into administrative and quasi-judicial action.

LEGAL PROPOSITIONS (VERBATIM)

— The MTI Appellate Tribunal has no suo motu powers to inaugurate proceedings or investigations of its own accord and must perform within the sphere of its jurisdiction rather than assuming the role of judicial activism for activating judicial overreach.

— Judicial power can only be exercised according to the limit of jurisdiction conferred by law, as accentuated under Article 175(2) of the Constitution.

— The law of pleadings is the utmost judicious contrivance for restricting a Court or Tribunal; the case must be decided according to what is pleaded and proved.

— Crossing the bounds of jurisdiction renders the order and decision coram non judice.

— Educational institutions are the best judges of their own rules and regulations, and Courts usually abstain from disturbing their decisions on admissions, examinations, rules of promotion, eligibility criteria and disciplinary matters.

— The maxim that no man shall be condemned unheard is not confined to Courts but extends to all proceedings, by whomsoever held, which may affect the person, property or other rights of the parties concerned.

LEGAL PRINCIPLES EXPOUNDED

A statutory tribunal has no suo motu jurisdiction and judicial power exists only to the extent conferred by law.

Source: *The judicial power can only be exercised according to the limit of jurisdiction conferred by law as accentuated under Article 175 (2) of the Constitution of Islamic Republic of Pakistan 1973 as an indispensable and elementary tenet that no court shall have any jurisdiction unless it is conferred by the Constitution or under any law.*

Authority: *Supreme Court of Pakistan, C.P.L.A. No. 3933/2025 etc., per Muhammad Ali Mazhar, J., para 13*

A court or tribunal must decide according to the pleadings; relief beyond the pleadings is a nullity.

Source: *Secundum a llegata et p robata ; the case must be decided according to what is pleaded and proved and should avoid and ignore the issues if raised beyond the boundaries set by the original pleadings.*

Authority: *Supreme Court of Pakistan, C.P.L.A. No. 3933/2025 etc., per Muhammad Ali Mazhar, J., para 13*

An order passed beyond jurisdiction is coram non judice.

Source: *Cros sing the bounds of jurisdiction renders the order and decision c oram n on j udice .*

Authority: *Supreme Court of Pakistan, C.P.L.A. No. 3933/2025 etc., per Muhammad Ali Mazhar, J., para 13*

Academic and professional institutions enjoy autonomy in matters of promotion and eligibility, subject to law and natural justice.

Source: *It was consistently held that academic, administrative, and disciplinary autonomy of university and professional colleges/institutions must be respected*

Authority: *Supreme Court of Pakistan, C.P.L.A. No. 3933/2025 etc., per Muhammad Ali Mazhar, J., para 12*

The rule against condemning a person unheard binds all judicial, quasi-judicial and administrative authorities.

Source: *it is incumbent that all judicial, quasi - judicial and administrative authorities should carry out their powers with a judicious and evenhanded approach to ensure justice according to tenor of law and without any violation of the principle of natu ral justice*

Authority: *Supreme Court of Pakistan, C.P.L.A. No. 3933/2025 etc., per Muhammad Ali Mazhar, J., para 15, referring to Sohail Ahmad v. Government of Pakistan (2022 SCMR 1387) and Inspector General of Police, Quetta v. Fida Muhammad (2022 SCMR 1583)*

OPERATIVE ORDER

Civil petitions converted into appeals and allowed. The judgment of the KP MTI Appellate Tribunal set aside. Dr. Yasir Rehman Khattak and Dr. Nasreen Kishwar may apply afresh for promotion from BPS-18 to Associate Professor (BPS-19); on receipt of such applications the Dean of Khyber Girls Medical College shall immediately forward the dossiers to the Institutional Promotion Committee for consideration at its next meeting and communicate the decision. C.M.A. disposed of accordingly.

View Full Judgment

PPC SS.302(B), 302(C), 109 & 34; CR.P.C. SS.382-B & 544-A; JUVENILE JUSTICE SYSTEM — ABSENCE OF LONG-STANDING ENMITY, A DISBELIEVED MOTIVE AND A SUDDEN QUARREL REDUCE QATL-I-AMD FROM S.302(B) TO S.302(C)

Muhammad Nasir Hussain v. The State

JAIL PETITION CONVERTED INTO APPEAL AND PARTLY ALLOWED; CONVICTION UNDER S.302(B) PPC SET ASIDE AND SUBSTITUTED BY CONVICTION UNDER S.302(C) PPC WITH FOURTEEN YEARS' RIGOROUS IMPRISONMENT; APPROVED FOR REPORTING

Jail Petition No. 459 of 2022 (against the judgment dated 20.06.2022 of the Lahore High Court, Multan Bench, Multan in Crl. Appeal No. 178-J/2019) · Bench: Malik Shahzad Ahmad Khan, J. (authoring); Jamal Khan Mandokhail, J. · Decided: 28.07.2026 · Uploaded: 29.07.2026

FACTS

The petitioner, a juvenile at the time of the occurrence, was tried by the Juvenile Court/Additional Sessions Judge, Mianchannu in case FIR No. 344/2018 dated 05.09.2018 under Sections 302, 109 and 34 PPC. According to the FIR, the petitioner's mother Mst. Khurshid Bibi (since acquitted in a separate trial) abused Zahoor Ahmad while standing in the bazaar outside his house; when the deceased came out and forbade her, she caught hold of him, whereupon the petitioner brought a churri from his house and inflicted two blows on the deceased's right ribs and left buttock. The deceased died at the DHQ Hospital, Vehari. The alleged motive was that the deceased had forbidden Mst. Khurshid Bibi from allowing one Usman to visit her house. The Trial Court convicted the petitioner under Section 302(b) PPC and sentenced him to imprisonment for life with compensation of Rs.200,000/-, and the Lahore High Court dismissed his appeal on 20.06.2022.

LEGAL ISSUE

Whether, on the proved facts, the offence fell under Section 302(b) PPC or whether, in the absence of previous enmity and with the motive disbelieved, the killing occurred under grave and sudden provocation at the spur of the moment so as to attract Section 302(c) PPC.

HOLDING

The prosecution proved the infliction of the fatal injuries beyond the shadow of doubt: the two eye-witnesses were natural, the occurrence took place in broad daylight, there was no chance of misidentification, and the medical evidence corroborated two stab wounds as the cause of death. However, the case was not one punishable under Section 302(b) PPC. There was no long-standing enmity between the parties; the motive had already been disbelieved by the High Court; the complainant had herself exonerated the alleged abettor by affidavit; and on her own showing the deceased was first abused and then caught hold of by the petitioner's mother. The houses of the parties being adjacent, the petitioner on seeing the deceased grappling with his mother acted under grave and sudden provocation, lost his self-control and the occurrence took place at the spur of the moment. The case therefore fell within the four corners of Section 302(c) PPC.

LEGAL SIGNIFICANCE

A working illustration of the factual matrix that converts Qatl-i-amd liable to ta'zir under s.302(b) into the mitigated category under s.302(c): no antecedent enmity, a motive judicially disbelieved, an unpremeditated quarrel initiated by the deceased's opponent, adjacency of the parties' houses and the youth of the accused. It follows Azmat Ullah v. The State (2014 SCMR 1178), Muhammad Abbas v. The State (2023 SCMR 487), Chandoo alias Chand Muhammad v. The State (1986 SCMR 720) and Muhammad Ajmal v. The State (2022 SCMR 88), and shows that a finding of guilt may be sustained while the sentencing provision is altered.

LEGAL PROPOSITIONS (VERBATIM)

> *— Where the eye-witnesses are residents of the same locality and the occurrence takes place outside the complainant's house in broad daylight, their presence is neither unnatural nor improbable and there is no chance of misidentification.*
>
> *— Where there is no previous long-standing enmity between the parties and the motive alleged by the prosecution has been disbelieved, the circumstances may indicate that the occurrence took place upon a sudden quarrel.*
>
> *— Where the accused loses his self-control upon grave and sudden provocation and the occurrence takes place at the spur of the moment, the case falls within the four corners of Section 302(c) PPC.*

— A conviction under Section 302(b) PPC may be set aside and substituted by a conviction under Section 302(c) PPC, with the compensation awarded under Section 544-A Cr.P.C. being treated as awarded under the substituted provision.

LEGAL PRINCIPLES EXPOUNDED

Absence of long-standing enmity coupled with a disbelieved motive points away from premeditated Qatl-i-amd.

Source: *As we have already observed that there was no previous long standing enmity between the parties and the motive alleged by the prosecution has already been disbelieved in this case*

Authority: *Supreme Court of Pakistan, Jail Petition No. 459/2022, per Malik Shahzad Ahmad Khan, J., para 7*

Loss of self-control on grave and sudden provocation at the spur of the moment attracts s.302(c) PPC.

Source: *It is evident that under the attending circumstances of this case, the petitioner lost his self control and the occurrence took place at the spur of moment.*

Authority: *Supreme Court of Pakistan, Jail Petition No. 459/2022, per Malik Shahzad Ahmad Khan, J., para 7*

On such facts the case falls within s.302(c) PPC rather than s.302(b) PPC.

Source: *the case of the petitioner falls within the four (04) corners of offence under section 302(c) PPC*

Authority: *Supreme Court of Pakistan, Jail Petition No. 459/2022, para 7, following Azmat Ullah v. The State (2014 SCMR 1178) and Muhammad Ajmal v. The State (2022 SCMR 88)*

Natural eye-witnesses whose evidence survives lengthy cross-examination remain confidence-inspiring.

Source: *Both the abovementioned eye - witnesses were cross - examined at length but their evidence could not be shaken, which is confidence inspiring.*

Authority: *Supreme Court of Pakistan, Jail Petition No. 459/2022, per Malik Shahzad Ahmad Khan, J., para 4*

OPERATIVE ORDER

Petition converted into an appeal and partly allowed. Conviction and sentence under Section 302(b) PPC set aside. The petitioner is convicted under Section 302(c) PPC and sentenced to fourteen years' rigorous imprisonment. The compensation and the sentence in default awarded by the Trial Court and upheld by the High Court shall be treated as awarded under Section 302(c) PPC and are maintained. Benefit of Section 382-B Cr.P.C. extended.

■ View Full Judgment

CPC SS.12(2), 144 & 151 AND O.IX R.7; LIMITATION ACT 1908 S.5; PUNJAB RENTED PREMISES ACT 2009 — LIMITATION IS A RULE OF SUBSTANTIVE PUBLIC POLICY, NOT MERE PROCEDURE, AND A LITIGANT GUILTY OF PERSISTENT NEGLIGENCE CANNOT INVOKE EQUITABLE JURISDICTION; EXEMPLARY COSTS FOR PROTRACTING SUMMARY RENT PROCEEDINGS

Muhammad Jahangir and others v. Haji Muhammad Ashraf (deceased) through L.Rs.

APPEAL DISMISSED WITH COSTS OF RS.200,000/-; JUDGMENT OF THE LAHORE HIGH COURT AND THE CONCURRENT ORDERS OF THE COURTS BELOW AFFIRMED; APPROVED FOR REPORTING

C.A. No. 2555/2016 (out of C.P.L.A. No. 2643/2015; against the judgment dated 23.07.2015 of the Lahore High Court, Lahore in C.R. No. 3009 of 2014) · Bench: Shahid Bilal Hassan, J. (authoring); Muhammad Ali Mazhar, J.; Musarrat Hilali, J. · Decided: 29.07.2026 (heard 07.07.2026) · Uploaded: 29.07.2026

FACTS

The respondent obtained an ejectment order against one Nadeem Hussain on the latter's conceding statement and took possession of the demised house in Sham Nagar, Raj Garh, Lahore through the Court Bailiff. He then alleged that the appellants forcibly re-entered and dispossessed him, and moved an application under Sections 144 and 151 CPC for restoration of possession, which the Special Judge (Rent), Lahore allowed ex parte on 15.05.2014. The appellants complained that the respondent had proceeded through an attorney and impleaded a non-entity rather than themselves. Claiming knowledge of the ex parte order only on 02.07.2014, they filed an application under Section 12(2) CPC, which was dismissed on 24.07.2014. Their appeal was dismissed as barred by limitation on 20.09.2014 and Civil Revision No. 3009 of 2014 met the same fate on 23.07.2015. Leave had been granted on 09.11.2016 on the prima facie view that the respondent had not approached the Court with clean hands, and the Supreme Court accordingly scrutinised the entire record.

LEGAL ISSUE

Whether the appellants' statutory appeal was rightly dismissed as time-barred and whether the observations in the leave-granting order required interference with the concurrent findings despite the appellants' unexplained delay and conduct.

HOLDING

The law of limitation is not a technical rule of procedure but rests on public policy securing certainty, finality and repose in litigation, and a valuable right accruing by efflux of time cannot be disturbed save on sufficient cause. A party seeking condonation must come with clean hands and explain the whole period of delay; negligence, indolence or casual conduct is not sufficient cause. The appellants' explanation was wholly inadequate and their conduct throughout — repeated ex parte proceedings after service, a dismissed application under Order IX Rule 7 CPC, participation in earlier rounds of litigation — disentitled them from equitable relief. Although the leave-granting order merely indicated that the record warranted closer scrutiny and expressed no opinion on the merits, the Court independently examined the record, which supported the concurrent findings. The appeal was dismissed and the appellants burdened with costs of Rs.200,000/-, the Court also recording its concern that a dispute within the summary jurisdiction of the Rent Controller had remained pending for almost three decades.

LEGAL SIGNIFICANCE

Notable both for its restatement of limitation as a substantive doctrine of public policy and for its treatment of a leave-granting order as no more than an indication that scrutiny is warranted. The concluding observations on rent statutes as a special summary code, and the imposition of exemplary costs for abuse of process, provide practical authority for resisting the conversion of rent proceedings into endless civil litigation.

LEGAL PROPOSITIONS (VERBATIM)

— The law of limitation is not a mere technical rule of procedure but is founded upon sound public policy aimed at securing certainty, finality and repose in litigation.

— Once a valuable right accrues to a successful litigant by efflux of time, it cannot be disturbed except upon demonstration of sufficient cause within the contemplation of law.

— A party seeking condonation of delay must approach the Court with clean hands, disclose all material facts and furnish a plausible, satisfactory and bona fide explanation covering the entire period of delay.

— Negligence, indolence or casual conduct do not constitute sufficient cause.

— A leave-granting order merely indicates that the record warrants closer scrutiny and does not constitute an expression of opinion on the merits of the controversy.

— Rent statutes constitute a special code intended to secure swift and inexpensive determination of disputes relating to tenancy and possession, and Courts are under a corresponding duty to ensure that rent proceedings are not converted into endless civil litigation.

LEGAL PRINCIPLES EXPOUNDED

Limitation is a rule of substantive public policy, not mere procedure.

Source: *The l aw of limitation is not a mere technical rule of procedure, rather, it is founded upon sound public policy aimed at securing certainty, finality and repose in litigation.*

Authority: *Supreme Court of Pakistan, C.A. No. 2555/2016, per Shahid Bilal Hassan, J., para 6*

Condonation of delay requires clean hands and a bona fide explanation of the entire period.

Source: *Equally settled is the principle that a party seeking condonation of delay must approach the Court with clean hands, disclose all material facts and furnish a plausible, satisfactory and bona fide explanation covering the entire period of delay*

Authority: *Supreme Court of Pakistan, C.A. No. 2555/2016, per Shahid Bilal Hassan, J., para 6*

A litigant seeking equitable relief must himself have been diligent.

Source: *A litigant seeking equitable relief must himself exhibit due vigilance, which, in the present case, is conspicuously absent.*

Authority: *Supreme Court of Pakistan, C.A. No. 2555/2016, per Shahid Bilal Hassan, J., para 8*

A leave-granting order is not an expression of opinion on the merits.

Source: *the leave granting order merely indicated that the record warranted closer scrutiny and did not constitute any expression of opinion on the merits of the controversy*

Authority: *Supreme Court of Pakistan, C.A. No. 2555/2016, per Shahid Bilal Hassan, J., para 12*

Rent legislation is a special summary code and courts must prevent its conversion into endless litigation.

Source: *Rent statutes constitute a special code intended to secure swift and inexpensive determination of disputes relating to tenancy and possession.*

Authority: *Supreme Court of Pakistan, C.A. No. 2555/2016, per Shahid Bilal Hassan, J., para 14*

OPERATIVE ORDER

Appeal dismissed. The judgment dated 23.07.2015 of the Lahore High Court and the concurrent orders of the Courts below affirmed. The appellants burdened with costs of Rs.200,000/- payable to the respondent within thirty days, failing which recoverable as arrears of land revenue.

■ **View Full Judgment**

CPC O.VII R.11(A); TRANSFER OF PROPERTY ACT 1882 SS.54 & 55(4)(B) — REJECTION OF A PLAINT TESTS THE DISCLOSURE OF A CAUSE OF ACTION ON THE PLEADINGS ALONE AND MUST NOT BE CONVERTED INTO A PREMATURE ADJUDICATION ON THE MERITS

Nisar Ahmed Afzal v. Irfan Qadir and another

PETITION CONVERTED INTO APPEAL AND ALLOWED BY MAJORITY; JUDGMENTS OF THE COURTS BELOW SET ASIDE AND THE PLAINT RESTORED; MUHAMMAD SHAFI SIDDIQUI, J. DISSENTING AND DISMISSING; APPROVED FOR REPORTING

Civil Petition No. 3792 of 2018 (against the judgment dated 01.10.2018 of the Islamabad High Court, Islamabad in R.F.A. No. 29 of 2014) · Bench: Shahid Waheed, J. (authoring the majority); Jamal Khan Mandokhail, J.; Muhammad Shafi Siddiqui, J. (dissenting) · Decided: 19.02.2026 (date of hearing; announcement date left blank in the released copy) · Uploaded: 28.07.2026

FACTS

The petitioner pleaded that, enjoying cordial relations with Respondent No.1, he agreed to sell his plot in Sector F-11/2, Islamabad for Rs.6.5 crore; that the consideration was not paid at the time of execution but was promised shortly thereafter; that acting on that assurance he facilitated the transfer of the plot into Respondent No.1's name in the Capital Development Authority record on 08.03.2008; and that Respondent No.1 thereafter reneged and refused to pay, thereby securing title by deceit and fraud. He sued for a declaration that he remained the owner and that the transfer was illegal, fraudulent, void and inoperative. The Trial Court rejected the plaint under Order VII Rule 11(a) CPC on 17.02.2014, reasoning that the petitioner could not admit execution of the sale agreement acknowledging receipt of the consideration and simultaneously deny receipt, and that he could not approbate and reprobate. The Islamabad High Court affirmed, holding that a litigant seeking equitable relief must come with clean hands and maintain consistency in his pleadings.

LEGAL ISSUE

Whether, on a meaningful reading of the plaint and assuming every averment to be true, the plaint failed to disclose a cause of action so as to warrant rejection under Order VII Rule 11(a) CPC.

HOLDING

Per the majority: the jurisdiction under Order VII Rule 11 is an exception to the normal rule of trial, is necessarily narrow and must be exercised with restraint; the court must not convert the summary scrutiny into an adjudication upon disputed questions of fact. A cause of action comprises every fact the plaintiff must prove, if traversed, to obtain judgment, and is composed of a primary right and duty, a delict, a remedial right and duty, and the relief. There is a marked distinction between non-disclosure of a cause of action, which concerns the sufficiency of the pleadings, and non-establishment of a cause of action, which concerns the adequacy of the evidence. The petitioner's averments of non-payment, false recital, facilitation of transfer on assurance and dishonest refusal amounted to a clear allegation of fraud and deceit and furnished a triable claim; the Courts below had fused disclosure with proof. Per Muhammad Shafi Siddiqui, J., dissenting: reading Sections 54 and 55 of the Transfer of Property Act together, payment of the whole consideration is not a condition precedent to a completed sale, and where consideration remains unpaid the seller's only remedy is the statutory charge under Section 55(4)(b) for the unpaid purchase money and interest, not cancellation of the transfer; the plaint disclosed no coercion or fraud, sought only cancellation, and was rightly rejected.

LEGAL SIGNIFICANCE

One of the fuller modern expositions by the Supreme Court of the anatomy of a 'cause of action' under Order VII Rule 11(a) CPC, drawing on Cooke v. Gill and Read v. Brown and on Pomeroy's Code Remedies, and drawing the crucial line between non-disclosure and non-establishment. The dissent is separately valuable for its treatment of Sections 54 and 55(4)(b) of the Transfer of Property Act and of the persuasive Indian authorities Vidhyadhar v. Manikrao and Dahiben v. Arvindbhai, holding that non-payment of consideration does not invalidate a completed transfer.

LEGAL PROPOSITIONS (VERBATIM)

— The jurisdiction under Order VII Rule 11(a) CPC is confined to the averments contained in the plaint and the documents relied upon therein, and the answer must be found within the four corners of the plaint itself.

— Being an exception to the normal rule of trial, the jurisdiction under Order VII Rule 11 CPC is necessarily narrow and must be exercised with restraint.

— A cause of action comprises every fact which the plaintiff must prove, if traversed, in order to obtain a judgment in his favour; it is not the evidence by which those facts are to be proved.

— There is a marked distinction between the non-disclosure of a cause of action, which concerns the sufficiency of the pleadings, and its non-establishment, which pertains to the adequacy of the evidence adduced.

— Courts exercising jurisdiction under Order VII Rule 11 CPC do not decide whether the plaintiff has a good case; they decide only whether he has pleaded one.

— (Per Muhammad Shafi Siddiqui, J., dissenting) Payment of the whole of the purchase money is not a condition precedent to the completion of a sale, and where consideration remains unpaid the seller's remedy is the statutory charge under Section 55(4)(b) of the Transfer of Property Act, 1882, not cancellation of the transfer.

LEGAL PRINCIPLES EXPOUNDED

Rejection of a plaint is an exception to trial and the jurisdiction is narrow.

Source: *Being an exception to the normal rule of trial, the jurisdiction is necessarily narrow and must be exercised with restraint.*

Authority: *Supreme Court of Pakistan, C.P. No. 3792/2018, per Shahid Waheed, J. (majority), para 5*

Non-disclosure of a cause of action must not be confused with non-establishment.

Source: *there is a marked distinction between the "non - disclosure" of a cause of action and the "non - establishment" (or "non - existence") of a cause of action*

Authority: *Supreme Court of Pakistan, C.P. No. 3792/2018, per Shahid Waheed, J. (majority), para 6*

The court asks only whether a case has been pleaded, not whether it is a good one.

Source: *Courts, exercising jurisdiction under the said provision do not decide whether the plaintiff has a good case; they decide only whether he has pleaded one.*

Authority: *Supreme Court of Pakistan, C.P. No. 3792/2018, per Shahid Waheed, J. (majority), para 7*

A plaint may be rejected only if the pleaded facts, taken as true, disclose no enforceable legal right.

Source: *A plaint may be rejected only where the material facts pleaded, even if accepted as true in their entirety, fail to disclose a legal right capable of judicial enforcement.*

Authority: *Supreme Court of Pakistan, C.P. No. 3792/2018, per Shahid Waheed, J. (majority), para 6*

(Dissent) Unpaid consideration gives the seller a statutory charge, not a right of cancellation.

Source: *The law has only created a charge over the property in respect of the unpaid amount, and no substantive law within the contemplation of the Transfer of Property Act would enable the seller to cancel the transfer on account of* *unpaid consideration, consciously agreed to be paid in future.*

Authority: *Supreme Court of Pakistan, C.P. No. 3792/2018, per Muhammad Shafi Siddiqui, J. (dissenting), para 12*

OPERATIVE ORDER

By majority, petition converted into an appeal and allowed. The judgments and orders of the Courts below set aside. The plaint stands restored and the suit shall be deemed pending before the Trial Court, which shall decide it strictly in accordance with law, uninfluenced by any observations made by the Courts below or in this judgment on the merits. Muhammad Shafi Siddiqui, J. dissenting, would have dismissed the petition and refused leave.

■ **View Full Judgment**

Lahore High Court

2 judgments

PUNJAB RENTED PREMISES ACT 2009 SS.2(B), 19, 21, 22, 23 & 34; CONSTITUTION ART.10-A; CPC — TIME FOR LEAVE TO CONTEST RUNS FROM THE DATE OF HEARING FIXED IN THE STATUTORY NOTICE, NOT FROM THE DATE OF SERVICE, AND A RENT TRIBUNAL CANNOT CURTAIL STATUTORY LIMITATION BY AN ADMINISTRATIVE ORDER

Muhammad Waseem Tahir and another v. Additional District Judge, Sahiwal and others

CONSTITUTIONAL PETITION DISPOSED OF; IMPUGNED ORDERS/JUDGMENTS OF 06.11.2025 AND 10.02.2026 AND THE ORDER OF 18.06.2025 SET ASIDE; MATTER REMITTED TO THE RENT TRIBUNAL; APPROVED FOR REPORTING

W.P. (Rent) No. 2765 of 2026; 2026 LHC 4835 (Multan Bench) · Bench: Muzamil Akhtar Shabir, J. · Decided: 24.06.2026 (date of hearing) · Uploaded: 28.07.2026

FACTS

Respondent No.3 filed an ejectment petition on 04.04.2025 under the Punjab Rented Premises Act, 2009 in respect of a house in Farid Town, Sahiwal, claiming title through her father and default in rent since November 2022. The Rent Tribunal issued notices on 08.04.2025 for 29.04.2025; notice was served on petitioner No.1 on 21.04.2025 and treated as valid service on both brothers. On 29.04.2025 the petitioners were proceeded against ex parte and the landlord was directed to lead ex parte evidence on 12.05.2025. On 08.05.2025 the petitioners filed an application for setting aside the ex parte proceedings together with an application for leave to contest. Both were dismissed on 18.06.2025 as badly time-barred, the Tribunal observing that the scope of the Act was very limited and could not be extended to avoid technicalities. The ejectment petition was accepted on 06.11.2025 and the appeal dismissed by the Additional District Judge, Sahiwal on 10.02.2026.

LEGAL ISSUE

From what date the ten-day period for filing an application for leave to contest under Section 22(2) of the Act runs; whether an application under Section 21(4) and (5) can be entertained where the Tribunal has proceeded ex parte without yet passing a final order; and whether the concurrent orders dismissing the applications as time-barred were sustainable.

HOLDING

Reading Section 21(1) with the Schedule, the notice directs the respondent to obtain leave to contest within ten days of the date of hearing or appearance mentioned in the notice; accordingly, notwithstanding the slight variance in the language of Section 22(2), time runs from the date fixed for appearance and not from the date of service. Service having been effected on 21.04.2025 for a date of appearance of 29.04.2025, the petitioners had until 09.05.2025, and the Tribunal proceeded ex parte on 29.04.2025 without waiting for that period to expire; a Rent Tribunal cannot by an administrative order curtail the limitation period fixed by statute. Section 21(4) speaks of an 'ex parte order' and not of a 'final order' as used in Section 21(3)(b), and therefore extends to an order merely to proceed ex parte. Since the Tribunal was competent to initiate ex parte proceedings before passing a final order, it was equally competent to set them aside. The application to set aside, filed on 08.05.2025, was within ten days of the order of 29.04.2025, and both Courts below had dismissed it as time-barred without stating any criterion, rendering their orders non-speaking, based on misreading and non-reading, and violative of Article 10-A. The entire superstructure built on the void order therefore fell.

LEGAL SIGNIFICANCE

The judgment settles a recurring point of practice under the Punjab Rented Premises Act, 2009 by reconciling the language of Section 22(2) with the statutory notice in the Schedule, and holds that limitation for leave to contest runs from the date of hearing fixed in the notice. It also confirms that a Rent Tribunal may adopt any procedure not prohibited by law in order to reach a just conclusion, applies Muhammad Tariq Khan v. Khawaja Muhammad Jawad Asami (2007 SCMR 818) and Meera Shafi v. Ali Zafar (PLD 2023 SC 211), and reiterates that non-speaking and hasty orders offend the right to a fair trial.

LEGAL PROPOSITIONS (VERBATIM)

— Notwithstanding the slight variance between the wording of Section 22(2) and the notice in the Schedule, the application for leave to contest is to be filed within ten days from the date fixed in the notice for appearance and not from the date of service of the notice.

— A Rent Tribunal cannot, through an administrative order, curtail the period of limitation provided by the statute itself.

— Sub-section (4) of Section 21 speaks of an ex parte order and not of a final order, and therefore extends to a situation where the Court passes an order to proceed ex parte and fixes the matter for further proceedings.

— Every procedure is to be understood as permissible until it is shown to be prohibited by law, and as a matter of general principle prohibition cannot be presumed.

— Where a court, tribunal or forum is vested with jurisdiction to pass the final order, unless expressly prohibited by law it is also vested with jurisdiction to pass interlocutory orders to reach the final conclusion.

— An order dismissing an application as time-barred without stating how or under what criterion it was time-barred is a non-speaking order, not sustainable in the eye of law, and the entire superstructure based upon it falls with it.

LEGAL PRINCIPLES EXPOUNDED

Limitation for leave to contest runs from the date of hearing fixed in the notice, not from service.

Source: *the application for grant of leave to contest is to be filed within next 10 days from the date fixed in the notice for appearance of the petitioner before the Tribunal and not from the date of service of notice upon the respondent of the ejectment petition*

Authority: *Lahore High Court, Multan Bench, W.P. No. 2765/2026, per Muzamil Akhtar Shabir, J., para 8*

A tribunal cannot curtail a statutory limitation period by an administrative order.

Source: *the Rent Tribunal cannot through an administrative order curtail the period of limitation provided by the Statute itself*

Authority: *Lahore High Court, Multan Bench, W.P. No. 2765/2026, per Muzamil Akhtar Shabir, J., para 15*

Every procedure that advances justice is permissible unless prohibited by law.

Source: *every procedure is to be understood as permissible till it is shown to be prohibited by law and as a matter of general principle, prohibition cannot be presumed*

Authority: *Lahore High Court, Multan Bench, W.P. No. 2765/2026, per Muzamil Akhtar Shabir, J., para 11, relying on Meera Shafi v. Ali Zafar (PLD 2023 SC 211)*

Non-speaking, hasty orders prejudicing a party offend Article 10-A.

Source: *the impugned order of dismissal of application(s) prima facie appear to have been passed in a haste without consultation of record and was a non-speaking order resulting in prejudice to the right of the petitioners of fair trial provided under Article 10-A of the Constitution of Pakistan, 1973*

Authority: *Lahore High Court, Multan Bench, W.P. No. 2765/2026, per Muzamil Akhtar Shabir, J., para 16*

OPERATIVE ORDER

Both impugned orders/judgments set aside, together with the order dated 18.06.2025 of the Rent Tribunal, Sahiwal. The applications for setting aside ex parte proceedings and for grant of leave to contest shall be deemed pending before the Rent Tribunal, Sahiwal, which shall decide them on their own merits in accordance with law within one month of receipt of a certified copy of this judgment, and shall thereafter conclude the ejectment proceedings without *unnecessary adjournments, preferably within four months. Petition disposed of.*

■ View Full Judgment

PPC SS.419, 420, 468 & 471; PECA 2016 SS.13 & 14; FERA 1947 SS.2(B), 2(C), 2(D), 4, 5 & 23; VIRTUAL ASSETS ACT 2026 — USDT IS A VIRTUAL ASSET AND NOT 'CURRENCY' OR 'FOREIGN EXCHANGE' UNDER FERA, AND THE SBP'S 2018 CIRCULAR CREATED NO PENAL OFFENCE AGAINST PRIVATE INDIVIDUALS

Hammad Ali and others v. The State and another

PRE-ARREST BAIL APPLICATION ALLOWED; AD-INTERIM PRE-ARREST BAIL CONFIRMED ON FRESH BONDS OF RS.1,000,000/- EACH; APPROVED FOR REPORTING

Crl. Misc. No. 1974-B/2026 (pre-arrest bail); 2026 LHC 4849 (Multan Bench) · Bench: Tariq Saleem Sheikh, J. · Decided: 30.04.2026 · Uploaded: 29.07.2026

FACTS

The complainant lodged a complaint with the FIA Cyber Crime Reporting Centre, Multan, stating that he had been introduced to a cryptocurrency trading application some three years earlier, had invested Rs.5,000,000/- (25,000 USDT), and after successive market crashes had reinvested repeatedly until he had committed an aggregate of 270,000 USDT raised by liquidating his residence, gold ornaments, vehicles and business assets, whereupon the trading company froze his account. He had acquired USDT from multiple peer-to-peer (P2P) merchants, paying Pakistani rupees from his bank accounts into theirs. The FIA found 351 transactions through 237 bank accounts aggregating Rs.68,664,460/-, credited to two cryptocurrency accounts, one in the complainant's name and one in his brother's but allegedly operated by him. Of 177 persons linked to the transactions the complainant filed affidavits exonerating 72. The attribution to the petitioners was confined to specified receipts: Rs.45,000/- to Hammad Ali; Rs.49,000/- and two amounts of Rs.250,000/- to Asad Amjad; and Rs.499,500/- and Rs.31,611/- to Muhammad Athar. FIR No. 90/2025 followed. The Court issued notice to PVARA, the State Bank of Pakistan and the SECP on the question whether cryptocurrency is a currency, a commodity or a security.

LEGAL ISSUE

What was the legal and regulatory status of virtual assets in Pakistan at the relevant time (2021-2023); whether USDT falls within 'currency' or 'foreign exchange' under FERA; and whether the material presently available prima facie connects the petitioners with the offences under Sections 419, 420, 468 and 471 PPC and Sections 13 and 14 of PECA so as to make their arrest necessary.

HOLDING

Drawing on the FATF's 2021 Updated Guidance and on the responses of PVARA, SBP and SECP, the Court held that USDT is a virtual asset — a digital representation of value used for payment or investment — and not fiat currency, legal tender or a monetary instrument, and that its legal character depends on the function it performs and the scheme of the statute under which classification arises. BPRD Circular No. 03 of 2018 was addressed to regulated financial and payment-sector entities and did not, of itself, create a penal offence against private individuals, nor did describing virtual currencies as 'not legal tender' render them illegal or contraband; the SBP clarification of 30.05.2025 reinforced this. The Virtual Assets Act, 2026 does not retrospectively determine criminal liability for earlier transactions. USDT does not fall within the enumerated categories of Section 2(b) FERA and does not become foreign currency merely because it is traded internationally, nor foreign exchange merely because its value is pegged to a foreign currency; FERA may still apply where an independent foreign-exchange nexus exists, but none was shown. On the merits of the FIR, no personation was alleged (s.419 PPC), no dishonest inducement at the inception was made out (s.420 PPC, which is in any event bailable), no forged document or record was identified (ss.468 and 471 PPC), and the prosecution had identified neither unauthentic data (s.13 PECA) nor intent for wrongful gain with inducement or deception (s.14 PECA). The attribution being confined to specified bank receipts consistent with routine P2P merchant activity, and the case resting on documentary and electronic records already available, no reason for custodial interrogation was shown.

LEGAL SIGNIFICANCE

The most substantial superior-court treatment to date of the criminal-law status of virtual assets in Pakistan during the pre-regulation period, delivered with the assistance of PVARA, the SBP and the SECP. It settles that USDT is neither 'currency' nor 'foreign exchange' for FERA purposes, that the SBP's 2018 circular was regulatory rather than penal in effect, that the Virtual Assets Act, 2026 has no retrospective penal operation, and that mere receipt of rupee payments in a P2P transaction does not without more make out cheating, forgery, electronic forgery or electronic fraud. It draws on Internet and Mobile Association of India v. Reserve Bank of India [2020] 2 S.C.R. 297 and on S.E.C. v. W.J. Howey Co. (328 U.S. 293).

LEGAL PROPOSITIONS (VERBATIM)

— A virtual asset may perform some economic functions associated with money, including payment or investment, but it does not thereby become fiat currency or legal tender.

— The legal character of a virtual asset is not fixed or uniform; it depends upon the function the asset performs and the language, object and scheme of the particular statute under which the question of classification arises.

— BPRD Circular No. 03 of 2018 did not, by itself, create a penal offence against private individuals; its addressees were regulated financial and payment-sector entities, and the description of virtual currencies/tokens as not legal tender did not make them illegal or contraband.

— The Virtual Assets Act, 2026 shows Pakistan's movement from the absence of a dedicated statutory framework to a comprehensive regulatory regime, but it does not retrospectively determine criminal liability for transactions which took place before its enactment.

— USDT does not become foreign currency merely because it is traded internationally, or foreign exchange simply because its value is pegged to, or determined by reference to, a foreign currency.

— The mere fact that a transaction was carried out through an online platform, or that virtual assets were transferred digitally, does not automatically establish electronic forgery or electronic fraud against every recipient of funds.

— Criminal liability remains individual, notwithstanding that financial and cyber offences may involve multiple accounts and fragmented transactions.

LEGAL PRINCIPLES EXPOUNDED

A virtual asset is not fiat currency or legal tender, and its legal character varies with the statute in question.

Source: *A virtual asset may perform some economic functions associated with money, including payment or investment, but it does not thereby become fiat currency or legal tender.*

Authority: *Lahore High Court, Multan Bench, Crl. Misc. No. 1974-B/2026, per Tariq Saleem Sheikh, J., para 19*

The SBP's 2018 circular was regulatory in effect and created no penal offence against private individuals.

Source: *The Circular did not, by itself, create a penal offence against private individuals. Its addressees were regulated financial and payment- sector entities, not private individuals transacting with each other.*

Authority: *Lahore High Court, Multan Bench, Crl. Misc. No. 1974-B/2026, per Tariq Saleem Sheikh, J., para 25*

The Virtual Assets Act, 2026 has no retrospective penal operation.

Source: *It shows Pakistan's movement from the absence of a dedicated statutory framework to a comprehensive regulatory regime, but it does not retrospectively determine criminal liability for transactions which took place before its enactment.*

Authority: *Lahore High Court, Multan Bench, Crl. Misc. No. 1974-B/2026, per Tariq Saleem Sheikh, J., para 26*

USDT is not 'currency' or 'foreign exchange' within FERA.

Source: *USDT does not naturally fall within any of the enumerated categories in section 2(b). Likewise, it does not become "foreign currency" merely because it is traded internationally, or "foreign exchange" simply because its value is pegg ed to, or determined by reference to, a foreign currency.*

Authority: *Lahore High Court, Multan Bench, Crl. Misc. No. 1974-B/2026, per Tariq Saleem Sheikh, J., para 37*

Use of a digital platform does not by itself establish electronic forgery or electronic fraud.

Source: *the mere fact that a transaction was carried out through an online platform, or that virtual assets were transferred digitally, does not automatically establish electronic forgery*

Authority: *Lahore High Court, Multan Bench, Crl. Misc. No. 1974-B/2026, per Tariq Saleem Sheikh, J., para 33*

Criminal liability is individual even within a wider transactional pattern.

Source: *Criminal liability, however, remains individual.*

Authority: *Lahore High Court, Multan Bench, Crl. Misc. No. 1974-B/2026, per Tariq Saleem Sheikh, J., para 40*

OPERATIVE ORDER

Application allowed. The ad-interim pre-arrest bail already granted to the petitioners is confirmed, subject to fresh bail bonds of Rs.1,000,000/- each with one surety in the like amount, to the satisfaction of the trial court. The observations are tentative and confined to the bail application; the trial court shall decide the case independently on the evidence before it. The decision does not exclude the application of any other law, including anti-money laundering, taxation or banking law, on independent material.

■ View Full Judgment

Sindh High Court

1 judgment

PEMRA ORDINANCE 2002 SS.6, 8, 13, 20(C), 26, 27 & 30A; PEMRA RULES 2009 R.15; PEMRA (COUNCILS OF COMPLAINTS) RULES 2010 RR.8(4) & 10; ELECTRONIC MEDIA CODE OF CONDUCT 2015 — REFERENCE TO THE COUNCIL OF COMPLAINTS IS A MANDATORY JURISDICTIONAL PRECONDITION, AND A DECISION BY AN OFFICER OUTSIDE THE AUTHORITY IS CORAM NON JUDICE

HUM Network Limited v. Pakistan Electronic Media Regulatory Authority; and Apna TV Channel (Pvt) Limited v. Pakistan Electronic Media Regulatory Authority and another (common judgment)

BOTH MISCELLANEOUS APPEALS ALLOWED; IMPUGNED DECISIONS DATED 30.03.2017 AND 12.03.2018 SET ASIDE; NO ORDER AS TO COSTS; APPROVED FOR REPORTING

Miscellaneous Appeal No. 41 of 2017 (2026 SHC KHI 1476) and Miscellaneous Appeal No. 10 of 2018 (2026 SHC KHI 1477) · Bench: Sana Akram Minhas, J. · Decided: 30.07.2026 (heard 23.04.2026 and 30.04.2026) · Uploaded: 30.07.2026

FACTS

Two licensed broadcasters appealed under Section 30A of the PEMRA Ordinance against penalties imposed by PEMRA. HUM Network Limited was fined Rs.1,000,000/- by decision dated 30.03.2017 in relation to a single-episode drama 'Chew Gum' from the series 'Kitni Girhain Baqi Hain', aired on 29.01.2017 between 9:00 pm and 10:00 pm, said by the appellant to have been intended to create awareness of the social consequences of extra-marital relationships. Apna TV Channel (Pvt) Limited, which operates the news channel 'AbbTakk News', was fined Rs.100,000/- and directed to constitute an in-house monitoring committee by decision dated 12.03.2018, in relation to an episode of the discussion programme 'Benaqab' broadcast on 21.02.2018 in which a participant allegedly made derogatory remarks against a political leader. In each case the Authority issued a show cause notice, the appellant replied in writing and appeared before a body described as a 'Personal Hearing Committee', and the impugned decision was thereafter signed and communicated by the General Manager (Operations), Islamabad in the first case and by the Regional General Manager, Karachi Region in the second. Neither matter was ever referred to the Council of Complaints. A preliminary objection to the maintainability of the HUM Network appeal on the ground of a defective power of attorney was rejected on the record.

LEGAL ISSUE

Whether, under the statutory scheme of the PEMRA Ordinance, complaints relating to programme content may lawfully be examined and decided without first being received, reviewed and opined upon by the Council of Complaints constituted under Section 26; and whether decisions founded on the recommendations of a so-called 'Personal Hearing Committee' and issued under the signature of a General Manager, without any decision of the Authority under Sections 6 and 8, are sustainable in law.

HOLDING

The PEMRA Ordinance establishes a carefully structured mechanism contemplating two mandatory statutory stages: examination of the complaint by the Council of Complaints and the rendering of its opinion under

Section 26(2) and recommendations under Section 26(5); and consideration of that opinion by the Authority, which alone may pass the final order. The functions of the two bodies are distinct and neither can substitute the other. Following ARY Communication (PLD 2023 SC 431), Section 27(a) is not a self-governing provision permitting the Authority to bypass the Council, and the requirement applies even where the Authority proceeds suo motu, by virtue of Rule 8(4) of the COC Rules 2010. Following Fun Infotainment (PLD 2024 SC 230), delegation under Section 13 must strictly conform to prescribed conditions and in the absence of rules any purported delegation is without lawful authority. On the record, the Council was never involved at all; the 'Personal Hearing Committee' has no statutory foundation anywhere in the Ordinance, the Rules or the COC Rules and could not substitute the Council; and neither matter was ever placed before the Authority in a duly convened meeting with the requisite quorum and with the determination of the Chairman and each Member separately recorded as Section 8(5) requires. The signatories were officers forming no part of the Authority constituted under Section 6 and no lawful delegation was shown. These defects strike at the root of jurisdiction, are incurable, and render the decisions coram non judice.

LEGAL SIGNIFICANCE

A comprehensive application of ARY Communication and Fun Infotainment to PEMRA's internal practice, holding that the 'Personal Hearing Committee' route is unknown to law and that penalties imposed on broadcasters without reference to the Council of Complaints and without a properly constituted decision of the Authority are void. The judgment identifies two independent jurisdictional defects, characterises them as incurable rather than as procedural irregularities, and is likely to affect a substantial body of pending and past PEMRA content-related penalties.

LEGAL PROPOSITIONS (VERBATIM)

— The statutory scheme of the PEMRA Ordinance contemplates two mandatory statutory stages: examination of the complaint by the Council of Complaints and the rendering of its opinion and recommendations, and thereafter consideration of that opinion by the Authority, which alone is competent to pass the final order.

— The legislature has entrusted the initial examination of complaints relating to programme content in the first instance exclusively to the Council of Complaints, whereas the final adjudicatory function rests exclusively with the Authority constituted under Section 6; the responsibilities of these two bodies are distinct and neither can substitute the other.

— Section 27(a) is not an independent or self-governing provision enabling the Authority to bypass the Council of Complaints and directly adjudicate complaints relating to programme content.

— Even where the Authority or its Chairman takes cognizance suo motu, the matter must be referred to the Council of Complaints under Rule 8(4) of the COC Rules 2010 for its opinion before any final action is taken.

— The Council of Complaints is not merely an optional consultative forum but an indispensable statutory stage in the decision-making process concerning programme content.

— Statutory adjudicatory powers vested in the Authority cannot be exercised by a body or officer lacking statutory authority, or by any person in the absence of a valid delegation under Section 13 of the PEMRA Ordinance.

— Decisions rendered in violation of the mandatory statutory framework by persons or bodies lacking statutory adjudicatory competence are coram non judice, without lawful authority and of no legal effect.

LEGAL PRINCIPLES EXPOUNDED

The PEMRA Ordinance prescribes a mandatory two-stage mechanism for complaints about programme content.

Source: *The statutory scheme thus contemplates two mandatory statutory stages.*

Authority: *High Court of Sindh at Karachi, Misc. Appeals Nos. 41/2017 and 10/2018, per Sana Akram Minhas, J., para 14*

The functions of the Council of Complaints and of the Authority are distinct and neither may substitute the other.

Source: *the legislature has entrusted the initial examination of complaints relating to programme content in the first instance exclusively to the COC , whereas the final adjudicatory function rests exclusively with the Authority constituted under Section 6 of the PEMRA Ordinance*

Authority: *High Court of Sindh at Karachi, Misc. Appeals Nos. 41/2017 and 10/2018, per Sana Akram Minhas, J., para 16*

Reference to the Council of Complaints is a mandatory jurisdictional precondition, not an optional consultation.

Source: *The COC , therefore, is not merely an optional consultative forum but an indispensable statutory stage in the decision - making process concerning programme content.*

Authority: *High Court of Sindh at Karachi, Misc. Appeals Nos. 41/2017 and 10/2018, per Sana Akram Minhas, J., para 20, applying PEMRA v. ARY Communication (PLD 2023 SC 431)*

A body unknown to the statute cannot discharge functions entrusted to the Council of Complaints.

Source: *Such a c ommittee , therefore, had no statutory foundation and could not lawfully substitute the COC in the discharge of functions exclusively entrusted to the latter by the legislature.*

Authority: *High Court of Sindh at Karachi, Misc. Appeals Nos. 41/2017 and 10/2018, per Sana Akram Minhas, J., para 29*

Such jurisdictional defects are incurable and render the decisions coram non judice.

Source: *These defects strike at the very root of jurisdiction. They are not procedural irregularities capable of being cured*

Authority: *High Court of Sindh at Karachi, Misc. Appeals Nos. 41/2017 and 10/2018, per Sana Akram Minhas, J., para 35*

OPERATIVE ORDER

Both Miscellaneous Appeals allowed. The impugned decisions dated 30.03.2017 and 12.03.2018 are set aside. No order as to costs.

View Full Judgment