

LIST OF JUDGMENTS ON VARIOUS LEGAL POINTS

S.#	POINT	CASE LAWS
1	12(2) on withdrawal of suit	2018 CLC 1519
2	Laches	2005 SCMR 126
3	Order vii rule 11	2011 YLR 1397, 2014 YLR 2130, 2016 CLC 1558, 2013 YLR 2732, 2016 CLC 721, 2010 YLR 2687, 2016 CLC Note 29
4	Partition	PLD 2016 Pesh. 8, 2012 SCMR 695
5	Resjudicata	2015 YLR 89, PLD 2018 Lah. 678, 1999 MLD 236, 2007 CLC 483,
6	Limitation	2017 CLC 646, 2018 YLR Note 14 , 2012 YLR 2613, 2003 CLC 1593
7	Fraud	1994, MLD 734, 2016 YLR 758, PLD 2006 Lah 371, 2017 YLR 453. plea of fraud has to be taken specifically 2016 YLR 671
8	Burden of proof	PLD 1963 WP 960, PLD 1966 Lah 798, 2008 SCMR 855, PLD 1958 SC 209 , 2006 SCMR 50
90	Marz ul Maut Gift	2006 CLC 819, PLD 1977 SC 28, PLD 2009 Pesh 65 PLD 1994 SC 650
10	Mutation value	2008 CLC 149, 2015 CLC 660
11	Pleading	2007 SCMR 236,
12	Correction in revenue record	PLD 2017 Islamabad 187, 2017 CLC 1288,
13	Temporary injunction	Pld 2014 SC 380, PLD 2018 Sindh 303, 2017 YLR Note 238, PLD 2018 Lah. 809, 2019 CLC 1, 2015 YLR 550, 2005 CLC 925, 2008 CLC 1462, 1999 CLC 598 , 1999 CLC 1605, 2012 YLR 809, PLJ 2017 ISLAMABAD 52, 1989 SCMR 130
14	Sink and swim	2017 YLR 1378,
15	Shamilat cannot be sold	PLJ 2018 Lah. 1082
16	Partition suit	2019 SCMR 84
17	Framing of issues in 12(2)	2019 CLC 252
18		
29	Gift challenge by 3rd person	2005 MLD 1351
20	Written statement	PLD 2017 SC 265
21	Statement of PW in strike	2017 MLD 535, 2015 YLR 47
22	Production of evidence through modern devices	PLD 2007 Karachi 448, PLD 2010 SC 265, PLD 2015 Isb. 85
23	Order VII Rule 11 in 12(2)	2019 MLD Lah. 1,
24	Fresh suit on dismissal for non prosecution. Barred	2019 YLR 209,
25	Interim stay is not extended. Dismissed	2013 CLC 775
26	Meter tempering	2003 CLC 598
27	Notice for disconnection	NLR 1982 CIVIL 663, 2016 YLR NOTE 169, 1989 NLR 1133, 2003 CLC 598
28	Locus standi , inheritance mutation	2018 CLC 1930,
39	Special oath	2002 CLC 969,
30	Stay in joint ownership	2011 MLD 1518 , 2009 CLC 92, 2012 PLD ISB 68
31	Production of witness not mentioned in list	2018 CLC 1937,
32	Gift in favor of relatives	
33	Photocopy of document admissible in evidence	2018 PCRLJ 1495 , 2018 CLC 1676,

34	Additional issues	PLD 2018 SINDH 860,
35	Comparison of signature	2017 MLD 282
36	Oral agreement proof	2017 CLC 996,
37	Donation of property for employment	2018 PLC (CS) NOTE 173 , 1992 SCMR 1287, 1997 SCMR 855
38	Compromise by lawyers	2018 CLC 75
39	Court fee	PLD 2018 SC 729
40	Shari share in legacy of father, limitation	2014 SCMR 801,
41	Cancellation of power of attorney, orally	2016 MLD 1243, 2002 SCMR 1821, 2008 SCMR 1384, PLD 1986 LAH. 284, 1996 MLD 1123, 2005 SCMR 1315
42	Cutting on mutation, illegal	2017 YLR 399,
43	Registered document, non production of attesting witness	2002 SCMR 1391,
44	Recovery of specific immovable property	2019 SCMR 84, 2008 YLR 420
45	No one can transfer a better title than he had in the property	2001 CLC 1021
46	Exclusion of LRs from inheritance	2010 S C M R 18
47	Moulding of relief by court	2010 SCMR 984, PLD 1978 SC 220, 2016 YLR 233, 2006 S C M R 688
48	Dealt with electricity meter	PLD 2005 Peshawar 190, 2205 MLD 1979, PLD 2012 SC 371 , PLD 1997 SC 3, PLD 2012 SC 371
49	Rent willful defaulter	PLD SC 453, 2011 CLC 717
50	Order VII Rule 11 may be applied at any stage	2016 CLC 1824, 2008 S C M R 1431
51	Objection may be filed without pendency of execution petition	2003 S C M R 181
52	Settlement of boundaries	2017 CLC 874
53	Rights of occupancy tenants	2016 Y L R 53
54	Permission to withdraw the suit on this score cannot be granted	2001 SCMR 148 1997 MLD 2996
55	Gift /unregistered document	2010 SCMR 342, 2014 CLC 1343
56	Risk and costs	1995 SCMR 753
57	Damages	PLD 2017 Lahore 884
58	NADRA correction of date of birth	2018 YLR Note 55, Change in date of birth , 2017 MLD 923, 2017 CLC 1366
59	Declaration	Declaration...The plaintiff has to prove his pre-existing rights, the suit cannot be decreed on the statement of defendant 2015 YLR 2259.declaration without consequential relief is not maintainable 2015 MLD 191.When plaintiff is not in possession, simple suit for declaration is not maintainable 2016 YLR 2128.
60	Lagan	<u>Lagan</u> ...Entries in column of lagan cannot take precedence over column of cultivation if it was not otherwise corroborated.(2003 CLC 328 lahore).
61	Documentary Evidence	...document can only be rebutted by document.(PLD 2000 Lahore 385).un exhibited document can be looked into by the court for just decision 2015 YLR 1213.document pre-dated QSO, its proof 2016 CLC 553.Documents were allowed to be place on record 2016 YLR 2197.30 years old document 2016 YLR 1704.Translation of a document would be made by the recognized university PLD 2016 Peshawar 160.Different stages of placing on file documents 2002 CLC 655.
62	Document	production\exhibition of document and proof of a document (2015 YLR 1429).Document exhibited without objection cannot be regarded as proved PLD 2016 lahore 383.
63	Affidavit	...A party relying on affidavit must produce its deponent for cross examination PLD 2016 lahore 383.
64	Mutation attestation	_ inquiry relating to the facts stated in mutation is to be made in Jalsaiaam in the estate to which the mutation relates.(1995 MLD 1165 Peshawar).presumption of truth is attached 2015 CLC 1555.mutation attestation, requirement 2016 CLC 302.

65	Utility bill	status in evidence 2015 CLC 1555.
66	Partition suit	...recurring cause of action(PLD 1967 Dacca 809).Dismissal of partition suit on compromise, fresh suit is not barred(AIR 1935 Madras 909).Court fees only Rs 10(PLD 2015 Sindh 356).Recurring cause of action and principle of resjudicata not apply 2015 CLC 1833.Private partition is subject to official confirmation by the authority 2015 YLR 2427.
67	Non impleadment of necessary party...	suit dismissed(2015 SCMR 909,PLD 2015 AJK 23 sc).Dismissal is not proper PLD 2015 SINDH 304.Mis joinder and non joinder,suit not defeated 2015 CLC 1190.
68	Two attesting witness, scribe evidence and Death bed illness	2015 SCMR 1044).Scribe is not a witness of document 2016 MLD 323.Failure to call one of the attesting witness of the deed would give negative inference under article 129 (g) of QSO,1984 ...2015 SCMR 1044.
69	Jurisdiction	should be decided first (PLD 2015 Lah 235).test for determination of civil court jurisdiction 2015 CLC 1196.jurisdiction cannot be conferred by the parties 2015 YLR 1714.Evacuee property, jurisdiction 2015 SCMR 1721. Question of law can be raised any time at any stage 2016 YLR 405.
70	Fraud	.
71	Administration of Justice	2015 YLR 1429).
72	Family cases/Maintenance	2015 YLR 1433.second marriage by husband, first wife is entitled for maintenance 2015 YLR 1958.Dower deed, non- registration 2015 YLR 2602.Demand of prompt dower ,limitation is three years 2015 YLR 2375.cruelty,its proof 2016 CLC 332.Maintenance ,limitation 2016 CLC 313.Dower can be altered after marriage 2016 MLD 1411.
73	Family case	...maintenance, impleadment and adoption of any procedure by family court 2015 CLC 1326.Calling of witness and addition in list of witness allowed 2016 YLR 1316.Dower articles, no receipts are statement of shopkeeper is required for proof 2016 YLR Note 43.
74	Ex-arte decree	..Date of hearing, set aside 2015 YLR 1332. Limitation...Ex-parte decree.(PLD 2015 Pesh 59,2015 CLC 1290).proper service 2015 MLD 1269.
75	Pardanasheen lady	...before transaction she must be identified by male family member 2016 YLR 668.Transaction with a lady, its requirements 2016 SCMR 862.2016 YLR 1883.
76	Sale, Sale deed/ agreement to sell	...unregistered, not admissible in evidence 2015 YLR 1362,2015 CLC 1004.not mention of sale consideration, production of one marginal witness 2015 YLR 1387.Sale, sale by old man, registered sale deed 2015 CLC 994.sale agreement must be registered 2015 CLC 1451.agreement to sell 2015 YLR 1092,2016 YLR 612.agreement to sell, declaration is not maintainable and the court can direct for amendment in plaint 2015 YLR 1997.declaration on the basis of unregistered deed is not maintainable 2015 YLR 1845,2016 YLR 1704, 2006 CLC 1304.sale by father on behalf of his minor is illegal 2015 YLR 1937.unilateral agreement 2015 YLR 2302.Oral agreement 2016 YLR 551.oral agreement, sale, its specific performance and proof 2015 MLD 335.Agreement to sell does not create any right or title PLD 2006 Lahore 43.Does not create right unless enforced through court 2000 CLC 572.
77	Gift	...umro gift, gift of usufruct of property,2015 YLR 1500.proof of gift challenged after the death of donor 2015 YLR 1162.Gift in prohibited degree cannot be revoked 2015 YLR 2176.Gift mutation, particulars of fraud is to be given in the plaint 2014 MLD 635.un-registered gift deed is valid 2015 MLD 296.Revocation of gift after the death of donee and doner 2016 YLR 2087. 2017 SCMR 402, PLD 2016 LAH. 287. 2016 SCMR 1417, PLD 2006 SC 15 2003 CLC 301, 2003 CLC 1006, 2004 SCMR 1701, 1999 MLD 1687
78	Pre-emption	...injunction refused(2015 YLR 1505).preemption and declaratory suit(2015 YLR 1352).not mention of witnesses of talab and non production of post man,suit dismissed PLD 2015 Pesh 121.Copy of notice talab ishad,one notice to three vendees, suit dismissed 2015 MLD 1122.Non mention of date, time and place of notice talab ishad and mawatibat in plaint is fatal to the suit 2015 SCMR 1243,2016 YLR 811(Contrary view 2016 YLR 685).subsequent purchaser in preemption suit is not necessary party, benefit of sec 52 of TPA is also not available...2015 YLR 1886.death of preemptor 2015 YLR 2029.death of preemptor, rights are not inheritable and suit dismissed 2015 MLD 1589.non production of post man, suit dismissed 2015 MLD 1757.Limitation 2015 YLR 2708.Two sale transaction in one suit is not maintainable 2015 YLR 2539.Statement of preemptor through attorney is not allowed 2016 YLR 378,2015 MLD 247.Non appearance of preemptor for evidence 2016 MLD 245.When no specific order for deposit of 1/3 amount, status 2016 MLD 383.
79	Citing wrong provision of law	...citing wrong provision of law at caption of suit/petition filed before proper forum would make no difference nor bar the court from exercising jurisdiction(PLD 2015 lah 68),2015 MLD 1443.2015 CLC 1734.
80		Amendment in law during pendency of suit (PLD 2015 lah 34).
81		17(3)CPC.PLD 2015 LAH 375.2015 MLD 899.2015 SCMR 1401.Appeal dismissed 2016 YLR 1321.Decision under order 17(3) cpc would be on merit and will bar fresh suit PLD 1958 (W.P) Lahore 686.
82	Special oath	...Procedure PLD 2015 Lahore 348.
83	Specific performance	...consent decree but no title of the defendant is not executable PLD 2015 sindh 336.temprory injunction refused 2015 CLC 1121.plaintiff has to prove the agreement deed through his own evidence 2015 YLR 1652.The suit for specific performance, its proof, the court is not bound to decree every suit 2016 MLD 1372.Stamp vendor, petitioner writer is necessary to be produced in evidence 2016 YLR note 46.
84	Admission	against fact is not binding (2015 MLD 824).Admission excludes estoppel 2015 MLD 1807.Facts stated in chief not cross examined would be considered admitted 2016 YLR 1704.

85	Adverse possession	2015 MLD 809.
86	Possession/co sharer	suit for possession by a co sharer without formal partition is not maintainable 2015 CLC 1682.Possession of one co sharer is considered as possession of all other co sharers 2016 SCMR 910.Joint property, suit by co sharer for declaration and possession is not maintainable, the remedy is partition 2016 YLR 1300.Co-sharer is owner in each and every inch of joint property irrespective of partition 2016 YLR 2195.Suit for permanent injunction by a co-sharer is maintainable 2016 YLR 2195.
87	Bar to subsequent suit	...previous suit filed incompetently, the subsequent suit is not barred 2015 MLD 763.
88	Revenue record	...change in revenue record without backing have no status 2015 MLD 763.correction in revenue record and mutation by revenue officer 2016 YLR 2026.
89	Burden of proof	...on the party who allege some facts in affirmative 2016 YLR 2087.
90	Stay of proceedings	...proceeding if not stayed cannot be suspended 2015 CLC 1216. stay of execution without suspension order from apex court is not allowed 2014 MLD 646.Mere pendency of appeal does not amounts to stay of proceedings 2016 CLC 604.
91	Execution	...declaratory decree though not executable but implementable in record 2015 CLC 1196.First execution petition dismissed second is maintainable 2015 SCMR 1335.liability of a surety in execution 2015 YLR 1946,2015 CLC 1704.limitation period is three years 2015 CLC 1833.Execution against LRS 2016 MLD 493.stay of execution without suspension order from apex court is not allowed 2014 MLD 646.Execution in restitution of conjugal rights 2016 MLD 1430.
92	12(2)CPC	...court can adopt its own mode for disposal 2015 CLC 1157,2015 YLR 1239..against ex-parte decree is maintainable 2015 CLC 1320.Acceptance of 12(2) cpc petition and rejection of plaint 2015 SCMR 1708.forum for filing petition 2015 YLR 2638.
93	Injunction	...Order 39 rule3, attachment of property 2015 CLC 1223.In a suit for specific performance, revocable contract, mandatory injunction at initial stage 2015 YLR 2141.essentials 2015 CLC 1695.observation of court while deciding application is not binding 2016 MLD 1403.Essentials for the grant of injunction 2008 CLC 930.
94		Section 9 of SRA 2015 CLC 1116.
95	Service	...service of summons on wife is not proper 2015 CLC 1071.
96	Power of attorney	...sale through POA being unregistered is not valid 2015 CLC 1071.In favor of sub-agent is revocable 2015 YLR 2298.When no authority to institute a suit, plaint rejected 2015 MLD 1669.Be construed strictly 2015 CLC 1675.Transfer of property to near relative by attorney 2016 YLR 671, Transfer of property to near relative by attorney without special permission of principal is illegal PLD 2016 Lahore 287.POA and abtlnama 2016 YLR 671.Evidence of attorney, its status, its requirement PLD 2016 Lahore 140.POA,its cancellation 2016 MLD 1243.
97	Civil and criminal proceedings	...through civil suit criminal proceedings cannot be stopped 2015 CLC 1154.civi and criminal proceedings can be initiated simultaneously PLD 2016 Sindh 139.
98		<u>MFLO 1961</u> ...section 4,2015 CLC 1224.
99	Contempt of court	...PLD 2016 Lahore 159.contempt procedure is stated, officer be sued directly not the institution or designations PLD 2016 Lahore 282.
100	Pleadings	.evidence beyond pleading 2015 YLR 1714,2015 YLR 1692,2015 MLD 1452.
101	Divorce	...dissolution of marriage on khulla without return of dower 2015 YLR 1547.
102	Date of hearing	<u>Date of hearing</u> ...2015 YLR 1768.
103	ISSUES	...issues were not properly framed, case remanded 2015 YLR 1789,2015 MLD 1627.Issues can be resettled anytime 2016 MLD 931.
104	Pagri amount	...2015 YLR 1617.2015 MLD 1313(civil court jurisdiction).
105	Withdrawal of suit	...if allowed with permission to file fresh suit then it would be regarded as the previous suit has never been filed 2015 YLR 1550.Limitation 2015 YLR 2559 2016 YLR 2063.Unconditional withdrawal of suit on the basis of oral agreement bars fresh suit 2016 SCMR 1403.
106	Cause of action	...when no relief was claimed from newly impleaded defendant, no cause of action, suit is not maintainable 2015 YLR 1589.
107	Secondary evidence	...loss of document is to be proved 2015 YLR 1568.
108		<u>Ownerless property</u> ...2015 YLR 1652.
109	Custody of minor	...2015 YLR 1765,2015 CLC 1260,2016 CLC 339.given to mother 2016 YLR Note 40.
110	Review	...scope is limited 2016 CLC 219.Review can be made an announced judgment 2016 YLR 1847.
111	Appointment of receiver	...2016 YLR 1980.
112		<u>Legitimacy of child</u> ...PLD 2015 SC 327.
113		<u>Locus potentiate</u> ...PLD 2015 Islamabad 65.
114	Taraka and group insurance(legacy)	...PLD 2015 Sindh 360.
115	DNAPLD 2015 Lah 500.

116	Counsel	...parties would be bound by the act and omission of the counsel 2015 MLD 899.
117	Khulla	...2015 MLD 955.
118	PLAINT, Rejection of plaint	...barred by law....plaint not signed is not ground for rejection 2015 MLD 965.plaint not signed, filed w/o power of attorney 2015 CLC 1418.plaint cannot be rejected if the defendant say that he has no concern with suit property 2015 YLR 1260.Amendment in plaint 2016 MLD 533.Application for rejection of plaint under order 7 rule11 was converted to order 7 rule 10 CPC PLD 2016 bal...when suit is time barred, rejected 2016 SCMR 910.
119	Malicious prosecution	...2015 MLD 1173,2015 MLD 1583.malicious prosecution on the basis of FIR PLD 2016 SC 478.
120	Benami transaction	...essentials 2015 CLC 973.
121	Objection petition	...issues framed 2015 CLC 987.
122		Order 7 rule 2 and 3....no description of property 2015 CLC 1042.
123		Order 21 rule 66 executions 2015 CLC 916.
124	Evidence	<u>Evidence</u>Production of additional evidence 2015 SCMR 1398.photo copy of public document is admissible under article 87 of QSO 2015 MLD 1412.Statment not cross examined is admitted one 2015 MLD 1815,2016 YLR 302,2016 MLD 418.Admissibility of document exhibited without objection 2014 SCMR 630.Prepondrance of evidence and sending document to expert for opinion PLD 2016 Lahore 130.When oral evidence is to be or not to be accepted 2016 CLC 322.Excise and Taxation, register PTI does not create title 2016 YLR 1248.statement of witness recorded by reader is not illegality 2016 MLD 1271.Additional evidence at appellate forum is allowed 2016 MLD 1267.Improvements in the statement of a witness, is not reliable2016 MLD 1352.Portion of statement not cross examined, is admitted 2016 MLD 1302.Evidence of one case cannot be considered in another case 2002 CLC 1361.
125	Damages	<u>Damages</u> ...Fatal accident Act 1855(2015 SCMR 1406),2015 MLD 1401,2015 YLR 2053 and 2250.Suit for damages, death of a party at appellate stage, its consequences PLD 2016 Lahore 456.
126	Judgment	<u>Judgment</u> ...should be within thirty days of closing evidence 2015 SCMR 1550.
127	Decree	...court can grant money decree along with interest 2015 SCMR 1461.
128	Compromise decree	...is mere a contract 2015 CLC 1278.
129	Pleader	...appointment of 2015 CLC 1315.
130	Consolidation of suit	...2015 CLC 1383,PLD 2016 SC 409
131	Limitation	<u>Limitation</u> ...inheritance, limitation does not run 2015 CLC 1387,2016 YLR 1858.time spent on preparation of certified copies, shall be excluded 2015 YLR 1042.limitation would run in inheritance 2015 MLD 1300,2015 YLR 1903,PLD 2014 SC 167.Against fraudulent transaction starts from the date of knowledge 2015 SCMR 1704.Right to enforce share in joint property, limitation would be 12 year under article 127 of the limitation act 2015MLD 1807.No limitation against real owner 2015 CLC 1711.Limitation would run in inheritance case 2015 YLR 2443,2016 YLR 561,2016 SCMR 1403.,Recovery suit, time 2016 MLD 333.Cause of action on jamabandi and limitation on minority 2015 MLD 258. when suit is time barred, rejected 2016 SCMR 910.limitation for suit for breach of contract and damages 2016 MLD 1255.
132	Condonation of delay	...delay condoned in govt cases 2016 SCMR 1410
133	Dead person	...suit against dead person is not maintainable 2015 CLC 1241.
134	School	<u>School</u>Appointment in lieu of land is accepted 2015 MLD 1638.In lieu of land granted is refused 2015 CLC 1564,1997 SCMR 855,1993 SCMR 1287.
135	Civil Servant	<u>Civil Servant</u> ...date of birth correction, suit is not maintainable 2016 PLC(CS)92.
136	Clerk of counsel	<u>Clerk of counsel</u> ...attendance through munshi/clerk is not proper 2015 CLC 1418.
137	Corporation	...suit by 2015 YLR 1105.
138		<u>Fair trial</u> ...2015 YLR 1239.
139	Arbitration	...suit for declaration and stay of proceedings 2015 MLD 1347.Section 20 of the act 2015 YLR 2116.Limitation in arbitration agreement, award 2015 MLD 1821.Arbitration, jurisdiction PLD 2016 SC 121.If a person is not aggrieved from award then civil suit is competent 2016 YLR 1832.
140	Rent/ejectment default	...2015 MLD 1342.ejectment petition and civil suit, question of title is irrelevant 2015 YLR 2570.
141	Resjudicata	Resjudicata...2015 MLD 1408.
142	Revision	...Record from lower court needs not to be requisitioned 2015 MLD 1484.
143	Shamilat deh	...2015 MLD 1452. Representative suit is not necessary 2016 MLD 568.declaration cannot be granted 2016 MLD 407.
144	Cantonment Act	...Bar of section 273 is not applicable if no relief is claimed 2015 YLR 2656.
145	Land acquisition Act	...read with Or,23 r,1 ...2016 MLD 628. Clerical errors, its correction 2016 MLD 358.
146	Partnership	...partnership and unregistered firm, its suit, maintainability PLD 2016 SC

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147	Original	...PLD 2016 Sindh 161.
148	Public Nuisance	...permission of advocate General is not necessary PLD 2016 Sindh 292.
149	List of witnesses	...List of witnesses of the defendant was no accepted which was filed after delay 2016 MLD 1400.
150	Appellate court	...Appellate court has to discuss decision of trial court first and then record his own reasons 2016 YLR 2087.
151	Non-compliance of court order	<u>Non-compliance of court order</u> ...petition dismissed 2006 SCMR 1450.
152	Principles of approbation and reprobation	Principles of approbation and reprobation...PLD 2011 Peshawar 178.
153	Tenancy Agreement	1982C C L C 1030

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