ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Civil Revision No.27 of 2025.

Noor Elahi

Versus

Zulfiqar Hussain

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	06.02.2025	Syed Tahir Abbas, Advocate for the petitioner.

The petitioner has filed the instant petition assailing the order dated 06.01.2025 **("Impugned Order")**, passed by the learned Civil Judge, 1st Class Islamabad-West **("Trial Court)**, whereby application for production of the document Exh.P5 and impounding of it filed by the petitioner has been dismissed.

2. Brief facts as per memo of the petition are that the respondent/plaintiff filed a suit against the petitioner/defendant for recovery of Rs.5,000,000/- as damages. On 15.04.2024 during documentary evidence the respondent/plaintiff produced a document Exh.P5 knowing that it was a fake document. That production of fake document prejudiced the case of the petitioner/defendant, therefore, the petitioner/defendant filed an application for reproduction of the document Exh.P5 and impounding the same, which has been dismissed through the Impugned Order, hence, this petition.

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3. Learned counsel for the petitioner contended that Impugned Order of the Trial Court is completely disregard of law and facts of the case; that the Trial Court has failed to exercise the jurisdiction vested in it; that the learned predecessor Civil Judge inadvertently admitted fake document as Exh.P5; that Impugned Order is result of misreading and non-reading of evidence available on record; that fraud vitiates the most solemn proceedings and no party should be allowed to take advantage of fraud; that Impugned Order is violation of Article 10-A of the Constitution; that the Trial Court has not applied its judicial mind while passing the Impugned Order; that Impugned Order has been passed in slipshod manner on technical ground; that the Trial Court has miserably failed to appreciate the circumstances and elements of fraud; that the matters should be decided on merit and not on mere technicalities and that Impugned Order is illegal, arbitrary and ultra vires.

4. I have heard the learned counsel for the petitioner and perused the record.

5. Perusal of the record reveals that the respondent/plaintiff instituted a suit against the petitioner/defendant for the recovery of damages amounting to Rs. 5,000,000/-, which was contested by the petitioner/defendant by submitting a written

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statement. Upon consideration of the divergent pleadings of the parties, the Trial Court framed issues and both the parties led their respective evidence. The matter was subsequently fixed for final arguments. However, at this belated stage, the petitioner/defendant filed an application seeking production and impounding of document Exh.P5.

6. It is an established principle of law that objections to documentary evidence must be raised at the earliest possible stage. In the instant case, Exh.P5 was duly produced by the respondent/plaintiff during the evidence, and the petitioner/defendant's counsel also cross-examined the respondent/plaintiff on 28.10.2022. Despite having the opportunity, neither any objection was raised, nor any suggestion was put to dispute the authenticity of Exh.P5 as a forged or fabricated document. The delay in filing of an application at the stage of final arguments appears to be an afterthought and is contrary to the settled principle of **"waiver of objection"** as held by the Honourable Supreme Court in ***Mst. Mehmooda Begum vs. Syed Hassan Sajjad*** **(PLD 2010 SC 952)**. The relevant portion is reproduced as under:-

> *"an objection to documentary evidence must be raised at the time of its production; otherwise, the right to challenge its authenticity is deemed to be waived."*

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Thus, the application filed by the petitioner/defendant at the stage of final arguments is not maintainable and lacks legal sanctity in the light of principle enshrined in Order XIII, Rule 3 of the Code of Civil Procedure, 1908 **("CPC")**, which mandates that objections regarding the admissibility of documents should be raised at the appropriate procedural stage.

7. The application filed by the petitioner/defendant for the impounding of the document is not supported by any provision of CPC. Furthermore, it is a well-settled principle of law that once a document is exhibited in evidence, its exhibition does not preclude the opposing party from subsequently challenging its admissibility at a later stage. This principle finds authoritative support from the judgment rendered in ***Muhammad Suleman v. Muhammad Saad Naseem*** **and two others [PLD 2023 Islamabad 124**], wherein it was held as under:-

> *"mere exhibition of a document does not confer automatic admissibility or prevent a party from raising objections at a subsequent stage of proceedings."*

8. The revisional jurisdiction of a Court is exercised under specific conditions where a subordinate Court has acted without jurisdiction, failed to exercise jurisdiction vested in it, or committed a material irregularity while exercising its jurisdiction. Such power is generally conferred upon higher Courts under statutory provisions

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like section 115 of CPC or similar legal frameworks governing appellate and revisional powers. The scope of revision is limited to cases where there is a jurisdictional error or a significant miscarriage of justice and it does not extend to the reappreciation of evidence or substitution of findings on pure questions of fact. In this regard reliance is placed upon ***M/s. Abbasia Cooperative Bank Ltd. vs. Hakeem Hafiz Muhammad Ghaus*** **(PLD 1997 SC 3)**, wherein it was held as under:-

> *"revisional jurisdiction is not akin to appellate jurisdiction and cannot be invoked merely to substitute a different view in place of the one taken by the lower court unless it is shown that the decision suffers from jurisdictional defects or material illegality. The revisional jurisdiction should only be exercised to correct jurisdictional errors and not to interfere with mere findings of fact unless they are perverse or based on no evidence."*

9. In view of the above discussion, the Impugned Order dated 06.01.2025 passed by the Trial Court does not suffer from any jurisdictional error or illegality on the face of it, hence the instant civil revision bears no merits, therefore, the same is hereby ***dismissed in limine***.

(INAAM AMEEN MINHAS)
JUDGE

R.Anjam

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