

Present: Syed Mansoor Ali Shah and Amin-ud-Din Khan, JJ

FAROOQ HUSSAIN and others---Petitioners

Versus

Sheikh AFTAB AHMAD and others---Respondents

C.R.Ps. Nos. 104-L, 114-L in C.Ps. 258-L, 257-L of 2019, decided on 18th August, 2020.

(Against the order of the Supreme Court of Pakistan dated 01.08.2019, passed in C.Ps. Nos.257-L and 258-L/2019).

(a) Constitution of Pakistan---

---Arts. 10-A, 184, 185 & 188---Judgments/orders challenged before the Supreme Court---Judgment given by the Supreme Court---Scope and contents---If the Supreme Court, having examined the judgment challenged before it, was satisfied with its reasoning and conclusions and was of the view that it did not call for any interference, the Supreme Court could simply endorse the impugned judgment and adopt the reasoning of the court below---In such cases re-tracing the same path travelled by the court below appeared to be an unnecessary exercise and a waste of public time---Finding no reversible error in the judgment, a concise, simple order could suffice, however if the Court was to reverse or modify the judgment of the court below, the reasons for the reversal or modification must be set forth---Such approach was by no means a short-cut which was offensive to fair trial under Art. 10-A of the Constitution.

One of the grounds for review in the present case was that the order under review was without any reason. The order under review passed by the Supreme Court read:- "We have heard the learned counsel for the petitioners at some length and have gone through the impugned judgment of the High Court, the record of the case and the law on the subject. We have not been able to take any exception to the reasoning of the impugned judgment and are of the view that it does not warrant any interference. Leave is, therefore, declined and these petitions are dismissed."

If the Supreme Court, having examined the judgment challenged before it, was satisfied with its reasoning and conclusions and was of the view that it did not call for any interference, the Supreme Court could simply endorse the impugned judgment and adopt the reasoning of the court below. In such a case, re-tracing the same path travelled by the court below appeared to be an unnecessary exercise and a waste of public time - time which could be allocated to other cases where the decisions of the courts below had been overturned or modified. Finding no reversible error in the judgment, a concise, simple order could suffice. On the other hand, if the Court was to reverse or modify the judgment of the court below, the reasons for the reversal or modification must be set forth.

Such approach adopted by the court, was by no means a short-cut which was offensive to fair trial under Article 10-A of the Constitution nor did it in any manner undermine due process and fair-play. It was simply a creative way forward that spared the Court from writing opinions where a mere adoption of a well-reasoned judgment of the court below through a short order served the purpose adequately.

(b) Administration of justice---

---Case management and time management by courts---Nothing was cast in stone---Old practices evolved with changing times---Burgeoning population and the corresponding rapid increase in litigation required imaginative solutions (from the courts)---Courts all over the world had moved on to efficient time and case management techniques.

Dr. Abdul Basit, Advocate Supreme Court for Petitioners (in both cases).

Mian Muhammad Hussain Chotya, Advocate Supreme Court for Respondents (in both cases).

Date of hearing: 18th August, 2020.

ORDER

SYED MANSOOR ALI SHAH, J.---After condoning the period of limitation (as under), we heard the learned counsel for the parties at some length and have gone through the impugned order, the record of the case and the law on the subject. We find that no ground for review of the impugned order dated 01.08.2019 is made out.

2. We have also noticed that one of the grounds for review is that the order under review is without any reason. The order passed by this Court on 01.08.2019 was as under:-

"We have heard the learned counsel for the petitioners at some length and have gone through the impugned judgment of the High Court, the record of the case and the law on the subject. We have not been able to take any exception to the reasoning of the impugned judgment and are of the view that it does not warrant any interference. Leave is, therefore, declined and these petitions are dismissed."

It is emphasised that if this Court, having examined the judgment challenged before it, is satisfied with its reasoning and conclusions and is of the view that it does not call for any interference, this Court can simply endorse the impugned judgment and adopt the reasoning of the court below. In such a case, re-tracing the same path travelled by the court below appears to be an unnecessary exercise and a waste of public time - time which can be allocated to other cases where the decisions of the courts below have been overturned or modified. Finding no reversible error in the judgment, a concise, simple order can suffice. On the other hand, if the Court is to reverse or modify the judgment of the court below, the reasons for the reversal or modification must be set forth.¹

3. This approach adopted by the court, is by no means a short-cut which is offensive to fair trial under Article 10-A of the Constitution nor does it in any manner undermine due process and fair-play. It is simply a creative way forward that spares the Court from writing opinions where a mere adoption of a well-reasoned judgment of the court below through a short order serves the purpose adequately.

4. Nothing is cast in stone. Old practices evolve with changing times. Burgeoning population and the corresponding rapid increase in litigation require imaginative solutions. Courts all over the world have moved on to efficient time and case management techniques. Therefore this ground for review is absolutely misconceived.

5. As no ground for review is made out, these civil review petitions are, therefore, dismissed.

C.M.As. Nos. 2831-L/2019 and 3746-L of 2019)

6. These are applications for condonation of delay in filing the titled civil review petitions. For the reasons given in the said applications, the same are allowed.

MWA/F-13/SC Order accordingly.