

[Supreme Court of Pakistan]

Present: Syed Mansoor Ali Shah and Amin-ud-Din Khan, JJ**PROVINCE OF PUNJAB and others---Petitioners****Versus****Hafiz MUHAMMAD AHMAD---Respondent**

C.P. No. 1274-L of 2013, decided on 26th July, 2021.

(Against the order dated 31.05.2013 passed by the Lahore High Court, Lahore in W.P. No.11657 of 2013)

Law reports---

----Headnotes/Case notes of judgments published in law reports---Scope---Headnotes were not part of the judgment, therefore, it was neither safe nor desirable (for courts) to cite headnotes in their judgments.

The headnotes preceding the judgment of a court were not a part of that judgment but were the notes prepared by the editors of the law-reports, highlighting the key law points discussed in the judgment and were supplied just to facilitate the reader with a summarized version of the salient features of the case which helped in quickly scanning through the law reports.

Headnotes were at times misleading and contrary to the text of the judgment. Headnotes by the editors of the law-reports could not be taken as verbatim extracts of the judgment and relied upon as conclusive guide to the text of the judgment reported, hence they should not be cited as such. Therefore, it was neither safe nor desirable to cite a dictum by reference to the headnotes.

Salah-Ud-Din v. Zaheer-Ud-Din PLD 1988 SC 221; Nahar Industrial Enterprises Ltd. v. Hong Kong and Shanghai Banking Corporation AIR 2009 SC 6262 and Farhat Nasreen v. Muhammad Hussain PLD 1997 Kar. 204 ref.

Supreme Court observed that it was sanguine that in future the High Courts and the District Courts while referring to a precedent or case law in their judgments and orders would cite the actual text of the judgment rather than place reliance on the headnotes thereof.

Rana Shamshad Khan, Additional A.G. along with Abdul Majeed, Dy. Director ACE for Petitioners.
Nemo for Respondent.

Date of hearing: 26th July, 2021.

ORDER

SYED MANSOOR ALI SHAH, J.---We have heard the learned counsel for the petitioners at some length and have gone through the impugned order and the record of the case, with his able assistance. The learned counsel has not been able to point out any legal error in the impugned order passed by the High Court, which may justify grant of leave to appeal. The impugned order is well-reasoned and we are of the considered view that it does not warrant any interference by this Court. The petition is, therefore, dismissed, and leave declined.

2. We have, however, noted that the High Court has relied on a series of case law, referred to in the impugned order by reproducing the headnotes of the law reports. The headnotes preceding the judgment of a court are not a part of that judgment but are the notes prepared by the editors of the law-reports, highlighting the key law points discussed in the judgment and are supplied just to facilitate the reader with a summarized version of the salient features of the case which helps in quickly scanning through the law reports. It is a matter of common knowledge that the headnotes are at times misleading and contrary to the text of the judgment. Headnotes by the editors of the law-reports cannot be taken as verbatim extracts of the judgment and relied upon as conclusive guide to the text of the judgment reported, hence they should not be cited as such. Therefore, it is neither safe nor desirable to cite a dictum by reference to the headnotes.¹ We are sanguine that in future the High Courts and the District

Courts while referring to a precedent or case law in their judgments and orders will cite the actual text of the judgment rather than place reliance on the headnotes thereof.

MWA/P-12/SC Petition dismissed.