

[Supreme Court of Pakistan]

Present: Syed Mansoor Ali Shah and Syed Hasan Azhar Rizvi, JJ

MEHTAB PUBLICATION (PVT.) LTD.---Applicant

Versus

PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY (PEMRA) and others---

Respondents

C.M.A No. 9009/2022 in Civil Petition No.361 of 2020, decided on 26th May, 2023.

(Application for recall of order dated 04.10.2022 and restoration of C.P. No.361/2020)

Supreme Court Rules, 1980---

---O. IV, R. 19 & O. III, R. 9---Mode and manner of informing the Advocates regarding fixation of the cases by the Supreme Court stated.

The process of informing the Advocates regarding fixation of case is through the supply of the cause list to the respective Advocate-on-Records (AORs) under Order IV, Rule 19 of the Supreme Court Rules, 1980 ("Rules"). Otherwise, informally as a matter of tradition and by way of standing practice, the cause lists are also put up in the Bar Rooms and SMS messages are also sent to the Advocates by the Court. However, the procedure covered by the Rules is the supply of cause list to the AORs. In case of a petitioner in person, notices are served to the petitioner under Order III, Rule 9 of the Rules.

The present application for restoration of Civil Petition, which was dismissed for non-prosecution, does not agitate that the above mentioned procedure was not followed. In addition, copy of the cause list has not been placed on record to show that the case or the name of counsel did not appear therein. Further, the application states that the AOR failed to inform the counsel, as well as, the petitioner about fixation of the case, however, it does not furnish any reason as to why the AOR, who had knowledge of the fixation of the case, failed to appear in the case himself. There is no affidavit filed by the AOR affirming the facts mentioned in the application. There is no sufficient ground for allowing the present application, which is accordingly dismissed. Syed Rifaqat Hussain Shah, Advocate-on-Record for Applicant.

Ahmad Peraiz Malik, Advocate Supreme Court (through V.L. Lahore Registry), Tahir Farooq Tarar (Head Legal PEMRA), Mohsin Hameed Dogar, (Dir. Regulations) and Barrister Syed Ali Asghar (Law Officer) for Respondents.

Date of hearing: 26th May, 2023.

ORDER

SYED MANSOOR ALI SHAH, J.---This is an application for restoration of the titled petition, which was dismissed for non-prosecution on 04.10.2022. The sole ground taken in the application is that the petitioner, as well as, the learned counsel for the petitioner did not receive any information regarding the fixation of the case on 04.10.2022.

2. It is clarified that the process of informing the Advocates regarding fixation of case is through the supply of the cause list to the respective Advocate-on-Records (AORs) under Order IV, Rule 19 of the Supreme Court Rules, 1980 ("Rules"). Otherwise, informally as a matter of tradition and by way of standing practice, the cause lists are also put up in the Bar Rooms and SMS messages are also sent to the learned Advocates by the Court. However, the procedure covered by the Rules is the supply of cause list to the AORs. In case of a petitioner in person, notices are served to the petitioner under Order III, Rule 9 of the Rules.

3. The instant application does not agitate that the above procedure was not followed. In addition, copy of the cause list has not been placed on record to show that the case or the name of learned counsel did not appear therein. Further, the application states that the AOR failed to inform the learned counsel, as well as, the petitioner about fixation of the case, however, it does not furnish any reason as to why the AOR, who had knowledge of the fixation of the case, failed to appear in the case himself. There is no affidavit filed by the AOR affirming the facts mentioned in the application.

4. For the above reasons, there is no sufficient ground for allowing the titled application, which is accordingly dismissed.

MWA/M-23/SC Application dismissed.