

2025 SCP 285
IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Syed Mansoor Ali Shah Mrs.
Justice Ayesha A. Malik

C.P.L.A. No. 88-P of 2022

*(Against judgment dated 03.11.2021 passed by the Peshawar High Court,
Peshawar in FAB No.37-P of 2011)*

Abdul Salam Khan

...Petitioner

Versus

M/s Bank Al-Habib Ltd, etc.

...Respondent(s)

For the Petitioner(s) :
Nemo.

For the Respondent(s) :
N.R.

Date of Hearing : 18.07.2025.

ORDER

Syed Mansoor Ali Shah, J.- The present petition arises out of a challenge to the auction of an immovable property conducted by a bank in execution of a money decree dated 26.04.2010. The auction took place in 2011. The petitioner promptly raised objections the same year, which were dismissed. An appeal was preferred before the High Court and remained pending for an extraordinary period of ten (10) years, culminating in a decision in 2021. The matter then reached this Court in 2022 and is being taken up now, three years later, in 2025.

2. The question that engages the attention of this Court is not limited to the validity of the auction; rather it extends to whether any meaningful relief can now be granted after the passage of fourteen years. Even if

the petitioner's claim had merit, the sands of time have all but eroded its potency. Justice delayed is not merely justice denied; it is often justice extinguished. In this case, the petitioner's claim stands virtually interred under the weight of protracted judicial indifference.

3. It is telling that, after fourteen years since the auction and due notice, neither the petitioner nor any authorized representative has appeared before this Court to pursue the petition. In these circumstances, granting any further adjournment is both unwarranted and inconceivable. We have, nevertheless, undertaken a careful examination of the petitioner's objections and the record of the case. The objections to the auction proceedings do not appear to be tenable, and we find no reason to deviate from the concurrent findings of the courts below. Accordingly, the petition stands dismissed on merits as well as for non-prosecution. Office shall dispatch a copy of this order to the parties for information and record.

4. Having examined the case, the Court cannot remain indifferent to the systemic malaise of delay in the adjudication of cases. In this case the appeal of the petitioner kept pending before the High Court for ten (10) years. It is beyond cavil that delay in adjudicating cases by the courts at any tier of the justice system corrodes public confidence in the judiciary, undermines the rule of law, and disproportionately harms the weak and vulnerable who cannot afford the cost of prolonged litigation. Delay in adjudication carries severe macroeconomic and societal consequences: it deters investment, renders contracts illusory, and weakens the institutional legitimacy of the judiciary. A justice system's credibility rests not only in the fairness of its decisions but also in the timeliness with which those decisions are rendered.

5. The issue is not merely administrative, it is constitutional. The right to access to justice is guaranteed by Articles 4, 9 and 10A of the Constitution of the Islamic Republic of Pakistan, 1973.¹ It encompasses within it the right to a fair and timely trial. Delay that renders a remedy ineffective or a right illusory amount to a denial of due process. Justice, to be real, must be both just and timely.

¹ Baz Muhammad Kakar v. Federation of Pakistan PLD 2012 SC 923; Khan Asfandiyar Wali v. Federation of Pakistan PLD 2001 SC 607; Liaqat Hussain v. Federation of Pakistan PLD 1999 SC 504; Mehram Ali v. Federation of Pakistan PLD 1998 SC 1445; Al-Jehad Trust v. Federation of Pakistan PLD 1996 SC 324; Government of Balochistan v. Azizullah Memon PLD 1993 SC 341 and Benazir Bhutto v. Federation of Pakistan PLD 1988 SC 416.

6. The statistics speak for themselves. It is pertinent to highlight that over 2.2 million cases are currently pending before courts across Pakistan, including approximately 55,941 cases before this Court alone,² inspite of enhancing the number of judges at the Court. These figures are not abstract; they represent disputes suspended in time.

7. Delay in adjudication is not merely a by-product of docket congestion or branch-level inefficiencies; it is a deeper, structural challenge of judicial governance. The Court, as a matter of institutional policy and constitutional responsibility, must urgently transition toward a modern, responsive, and intelligent case management framework. Such a system must, at a minimum, ensure: the early fixation of cases on a non-discriminatory basis; the elimination of “queue-jumping” and preferential scheduling; the prioritization of matters involving constitutional, economic, or national importance without compromising the timely resolution of individual claims; the implementation of age-tracking protocols to automatically identify dormant cases; and the judicious use of Artificial Intelligence (“AI”) tools to assist in scheduling and triage while preserving the sanctity of judicial discretion.

8. Judicial systems across the world have recognized that delay is not an intractable inevitability but a solvable institutional challenge. Countries such as Singapore, the United Kingdom, Brazil, Estonia, Canada, China, Denmark, and Australia have undertaken comprehensive reforms combining technology, structural innovation, and procedural discipline to reduce backlog and enhance judicial efficiency. Through tools such as e-filing, real-time dashboards, automated scheduling, and transparent digital oversight, these jurisdictions have moved from being passive custodians of dockets to active managers of justice delivery. These international experiences underscore a basic truth: delays in justice are not inevitable; they are a product of institutional design, and can be remedied with vision, planning, and resolve. The judiciary of Pakistan must draw upon these

² Summary Statement of Case Institution, Disposal and Pendency (July 15, 2025), Supreme Court of Pakistan

<https://www.supremecourt.gov.pk/downloads_judgements/all_downloads/Fortnightly_Disposal_Report.pdf> accessed; Judicial Statistics, 3rd Bi-Annual Report (January-June 2024) Law and Justice Commission < <http://www.ljcp.gov.pk/reports/3bar.pdf>> accessed 22 July 2025.

global lessons and commit to transformative reform that integrates technological innovation, administrative restructuring, and disciplined case management. Courts must evolve into engines of timely, transparent, and citizen-focused justice.

JUDGE

Islamabad.

18 July, 2025.

Approved for Reporting.

Umer A. Ranjha, JLC*