

Ascribing the Law of Limitation in the context of Condonation of Delay: Issues and Challenges

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Abstract

Law of Limitation is based on the Legal Maxim “Interest Reipublicae Ut Sit Finis Litium”, which means that the welfare law sets a time frame for the lawsuits. It is a general principle of law that the law is designed to protect the diligent and vigilant, but not the indolent. The law does not protect people who neglect their rights. The law sets deadlines for different claims by which aggrieved parties can go to court for compensation or justice. If the lawsuit is filed after the deadline, it is subject to the statute of limitations. Of course, a legal solution must remain viable for as long as the law allows. The court approves the delay but ignores the other side. It should be remembered that he is a loser person and has spent a lot of legal fees. Law of Limitation dispose of the remedy but not the right. This article focuses on general rules and principles of limitation and the protection of section 5 of the Limitation Act 1908 of the rights and interests of litigants who have not prosecuted the case within the prescribed time. In this article, an attempt has been made to examine what are general rules of limitation considering precedents and the conditions and reasons that can be presented as reasons to obtain the court’s permission to grant a delay, and the applicant cannot go to the court within the legal deadline. An attempt has also been made to give a comprehensive opinion to make it clear that the delay is at the discretion of the court, and no one can claim that it is right.

Keywords: Sufficient Cause, Discretion of the Court, Negligence
Explanation of delay, Government

1. Introduction

Section 5 of the Limitation Act, 1908 is important because it preserves the right to appeal, review, revision or application beyond the time limit prescribed by law under specific conditions. The court is empowered to waive the delay for just cause. The court has the power to hear the appeal, to review, to revise or to admit application after the expiry of the prescribed

time on reasonable grounds, but this power shall be exercised in accordance with by law, not by custom. Section 5 is an extension of the limitation period set on the condonation of delay. Does not apply to new suits. The purpose of this section is to promote the principle of justice, not to reduce it to a threshold. Therefore, these terms should be constructed freely rather than strictly interpreted. The provisions in section 5 apply to the government and individuals. Each case must be considered on its own merits considering its facts and circumstances.

The purpose of the Statute of Limitations is to stop legal action for a certain period. The discretion exercised under this section should not be so liberal that the applicant would not hesitate to violate the purpose of the Act. If the period of limitation in filing an appeal against an order of conviction is not extended the result can be that an innocent person may suffer punishment which he does not deserve, but if the same course is followed in the case of an order of acquittal all that can possibly result is that a guilty person may escape punishment which he deserves¹.

Research Methodology

This research employs a doctrinal legal methodology, focusing on the interpretation of statutes and judicial precedents related to the Limitation Act, 1908. It relies on primary sources, such as case laws from the Supreme Court and High Courts of Pakistan, and secondary sources, including legal commentaries and scholarly articles. The research involves a critical analysis of how courts interpret the concept of “sufficient cause” under Section 5 of the Act, and the discretion they exercise in condoning delays. The approach is both analytical and descriptive, aiming to explain legal principles and judicial reasoning surrounding the application of limitation laws.

Significance

The significance of this article lies in its practical and theoretical relevance. It serves as a guide for legal practitioners and litigants in understanding the process of filing condonation applications and how courts approach delays in litigation. The article contributes to the theoretical discourse on balancing strict statutory limitation periods with the need for equitable justice. Additionally, it offers insights for policymakers, suggesting potential reforms in limitation laws to accommodate the needs of vulnerable litigants. The compilation of judicial precedents also serves as a useful reference for judges, ensuring consistency in the application of Section 5. Finally, the article is an educational resource for law students and researchers studying procedural law and limitation.

2. Rules of Limitation

The following are the certain rules of limitation considering case laws in different situations:

The object of law of limitation is to help the vigilant and not the indolent and that the law of limitation is required to be construed strictly, coupled with

the Maxim that each day of delay to be explained by the party concerned (2010 MLD 6821)².

Provision to section 3 can be invoked at all the stages of litigation i.e. Appeal, Revision, Writ.

The above duty enjoined upon the Courts is not restricted to those exercising the original, rather section 3 of the Act, shall be attracted and applied at all the stages and the forums before which, the lis comes for the consideration; may it be in appeal, revision or even the writ jurisdiction (PLD 2005 Lahore 129). It is a Settled principle of law that question of law even if not taken or raised by the Party, could be considered by the courts even at appellate and revisional stage. (2020 YLR 666)

Limitation to be decided first

Question of limitation is to be decided first (2018 Law Notes 1256; 2018 (M) 1376; 2019 CLC 497)

Limitation cannot be undone by ignorance, negligence, mistake, hardship, poverty

Hurdles of limitation cannot be crossed under the guise of any hardships or imagined inherent discretionary jurisdiction of the Court. Ignorance, negligence, mistake or hardship does not save limitation, nor does poverty of the parties (PLD 2016 SC 872)

Limitation not mere technicality

It may be elucidated and reiterated that the limitation is not a question of mere technicality and if a revision petition, as initially filed, is beyond time, the law will take its own course.³ (PLD 2015 SC 212, PLD 2013 SC 392, 2011 SCMR 8, 2011 SCMR 23, 2017 YLR Note 158 Lhr)

Salient features of limitation

“The law of limitation is a statute of repose, designed to quieten title and to bar stale and water-logged disputes and is to be strictly complied with. Statutes of limitation by their very nature are strict and inflexible. The Act does not confer a right; it only regulated the rights of the parties. Such a regulatory enactment cannot be allowed to extinguish vested rights or curtail remedies, unless all the conditions for Extinguishment of rights and curtailment of remedies are fully complied with in Letter and spirit. There is no scope in limitation law for any equitable or ethical construction to get over them. Justice, equity and good conscience do not override the law of limitation. Their object is to prevent stale demands and so they ought to be construed strictly.”⁴

The intention of the Law of Limitation is not to give a right where there is not one, but to interpose a bar after a certain period to a suit to enforce an existing right⁵ (PLJ 2018 SC 532)

Limitation Act to be construed strictly

It is ‘the law’ which should be strictly construed and applied in its letter and spirit; And by no stretch of legal interpretation it can be held that

such law (i.e. limitation Law) is merely a technicality and that too of procedural in nature ⁶(PLD 2016 SC 872, PLD 2015 SC 212, 2011 PTD 2358 DB, 2010 MLD 68, PLD 2019 Lahore 717, PLD 2005 Lahore 129, PLD 1968 Kar. 742. 1996 CLC 1184) There is no second opinion that law of limitation, which is Statute of repose, is intended to quit title and to bar, stale and waterlogged Disputes must be stringently followed, and the courts cannot desist from applying the said law. After the expiry of prescribed period, the door of justice is closed and no plea of scarcity, anguish, ignorance or mistake can be availed⁷. (PLD 2019 Lahore 717)

Equitable considerations are not applied to nullify the law of Limitation

There is no scope in limitation law for any equitable or ethical construction to get Over them. Justice, equity and good conscience do not override the law of limitation. Their object is to prevent stale demands and so they ought to be construed strictly⁸ (PLD 2016 SC 872) Secondly, where the period of limitation for an action is provided by law, equitable considerations cannot be attracted applied and adhered To, against the express provisions of the limitation, to override, defeat and nullify the law⁹(PLD 2005 Lahore 129)

Exceptions and exemptions of Limitation Act to be construed Liberally

It is salutary to construe exceptions or exemptions to a provision in a statute of Limitation rather liberally while a strict construction is enjoined as regards the main Provision.¹⁰ (PLD 2016 SC 872)

No evidence required if suit appears beyond limitation

Where on the plain reading of the plaint, it can be clearly seen that the suit is Patently barred by limitation, no evidence is required. In fact, to plead that a plaint Cannot be rejected, for the suit being barred by limitation/law, without recording Evidence, is to plead against the mandate of law as contained in Order VII, Rule 11 of The Code of Civil Procedure, which essentially requires the Court to reject the plaint Which appears from its contents to be barred by limitation¹¹ (2016 SCMR 910, 2014 SCMR 513)

Courts to take notice of limitation even if objection not raised in defence by contesting party

Under section 3 of the Limitation Act, 1908, it is the bounden duty of every court of Law to take notice of the question of limitation even if not raised in defence by the other contesting party. And this shows the imperative adherence to and the Mandatory application of such law by the courts¹² (2015 SCMR 380, PLD 2015 SC 212, PLD 2005 Lahore 129)

Limitation in matters of inheritance

The law of limitation is not entirely to be ignored or brushed aside whenever Property is claimed based on inheritance¹³ (PLD 2014 SC 167). Even in the Matter of inheritance a suit must be filed within the prescribed period of limitation and only on the basis that the matter relates to the inheritance the limitation be Ignored is not a valid stance or ground.¹⁴(2017 YLR Note 158 Lhr).

Waiver cannot relieve the court of its duty to dismiss the lis filed beyond limitation

Where the question of limitation is not a mixed question of law and fact or where Limitation is apparent on the face of the record, a waiver by the parties would not Relieve the Court itself of its duty under section 3 of the Limitation Act and a waiver By the Court of the question of limitation is not contemplated¹⁵(PLD 1985 SC 153). A waiver of the question of limitation is not permissible, even where the period of Limitation is prescribed by a special or a local law¹⁶(PLD 1969 SC 167).

Limitation bars the remedy, not the right

The Limitation Act only bars the remedy and does not extinguish the right¹⁷ (2002 SCMR 1903). The intention of the Law of Limitation is not to give a right where There is not one, but to interpose a bar after a certain period to a suit to enforce an Existing right (PLD 2016 SC 872).¹⁸

Limitation a statute of repose, made to quieten title

The law of limitation is a statute of repose, designed to quieten title and to bar stale and water-logged disputes and is to be strictly complied with¹⁹ (PLD 1962 Dacca 381, 2003 YLR 1837, PLD 2016 SC 872)

Limitation in matters of fraud

Fraud vitiates most solemn proceedings and thus period of limitation would not Embargo a justiceable claim directed against fraud²⁰ (PLD 2015 SC 212, 2019 SCMR 1930)

Provisions of Limitation Act will not apply where period of Limitation is provided by special or local law

Where a period of limitation is prescribed under a specific provision of special or local law then the general principles of law of Limitation Act are not applicable²¹ (2018 CLD 1027 Lhr, 2020 CLD 249 Lhr, 2017 CLD 179 LHR). The ability of a court to condone the delay has been excluded under special or local laws and is authorized specifically where the law of limitation has been made applicable in the said statute. In cases where the law of limitation has not been made Applicable under the special law, then the court cannot condone the delay, and the court must ensure that the application is made within the specified period Given in the statute.²² (PLD 2020 Lahore 354)

Limitation is equally applicable on governmental institutions.

There can be no distinction between an ordinary litigant and the government Institutions in the matter of limitation ²³(2019 CLC 1972 Lhr).

When limitation period begins to run, no subsequent disability or Inability to sue stops it

Once the time has begun to run, no subsequent disability or inability to sue stops it. provisions of section 9 of the Limitation Act clearly provide that limitation once commences, it would continue to run, unless the case falls within any exceptions Provided for limitation ²⁴(Section 9 of Limitation Act, 2007 SCMR 1792, 2009 CLD 1671 Lhr).

Removal of office objection-limitation

Time required for removal of objection should be adhered to and failure to re-file Appeal, revision, application, as directed by office would become time-barred for time required for removal of objection would not be excluded while computing Period of limitation under Limitation Act, 1908, but the same is to be granted under RA, Chap.1, High Court Rules and Orders, Vol.V and OXLI, R3, C.P.C (PLD 1996 Lahore 158, PLD 2018 Lah 697)²⁵ that once appeal was originally filed within

The prescribed limitation period but was returned within given time and when the office objections were finally removed the prescribed period of limitation for Filing appeal elapsed, would not render the appeal barred by time²⁶ (PLD 2014LHR. 1)

3.Scope of Section-5 of the Limitation Act, 1908:

The scope of section-5 is limited, the principle of condonation of delay enacted under this section is limited to appeal, application for a revision or a review of judgment or for leave to appeal or any other application to which this section may be made applicable by or under any enactment for the time being in force but does not cover the fresh suit. Thus, the provisions are applicable to both civil and criminal law.

As provided in sub-section (2) of section 29 of the Limitation Act, 1908, section 5 does not apply to the special or local law where special provisions for limitation are provided. Thus, the scope and application of section 5 is restricted by sub-section (2) of section 29. The condonation of delay as mentioned in section 5 is permissible in cases of special or local law where section 5 is made applicable by express provisions. The words “the remaining provisions of this Act shall not apply in clause (b) of sub-section (2) of section 29” mean that the remaining provisions of the Limitation Act shall not apply unless they are made expressly applicable by the special or local Acts to question²⁷. If any special or local law does not provide any period of limitation to enforce any right created thereunder, section 29(2) of the Limitation Act, 1908 will not apply and the matter will be governed by the appropriate provisions of the Limitation Act.²⁸ Court of Wards Act is a

special law but it does not prescribe any period of limitation for a suit against a ward and as such section 29(2) of the Limitation Act, 1908 has no application to such a suit.²⁹ There is no provision authorizing the Commissioner to have recourse to section 5 of the Limitation Act in connection with an appeal presented before him under section 66(2), of Income Tax Act. Section 66(2) of Income Tax Act contains no saving clause and gives neither the commissioner nor the High Court Division any power to condone delay if assessee does not present his application within the time prescribed.³⁰ In view of the special limitation prescribed under the statute itself for filing an appeal from any judgment of a Special Tribunal there is no scope for admission of time barred appeal preferred under section 30 of the Special Powers Act condoning the delay on an application under section 5 of the Limitation Act³¹. Ordinance No.LI of 1983 is a special law and this special law prescribed a special period of limitation different from the First Schedule of the Limitation Act. In the face of well settled principle of law, the Appellate Election Tribunal committed an error of law occasioning failure of justice by applying section 5 of the Limitation Act to the appeal against the order of Election Tribunal.³²

3.Sufficient Cause:

To have the advantage of the section 5, the applicant must show that he was prevented by sufficient cause from preferring application or appeal within the prescribed period of limitation. Sufficient cause means something beyond the control of the party. The words “sufficient cause” should be liberally construed. The petitioner must satisfy the court that he was not negligent and inactive. It must be considered that when the time of appeal has passed a valuable right has accrued to the successful litigant.³³ The words “substantial cause” should receive a liberal construction so as to advance substantial justice when no negligence, nor inaction, nor want of bona-fide is imputable to the applicant.³⁴ While determining sufficient cause, the court should be lenient and should overlook some negligence that is an ordinary incident of human affairs, but gross negligence cannot be condoned.³⁵

Illness of party:

A mere plea of sickness is not a sufficient cause. The question whether the effect of the sickness is such that it afforded sufficient cause is one of the facts to be decided in the circumstances of the case. Where medical certificate produced in support of application under section 5 of the Limitation Act, did not show that applicant-petitioner was in such serious condition that he could not call his counsel to his house for consultation or speak to him on telephone or could not send a person to enquire about progress of case.³⁶

In **Karam Din Versus Province of Punjab**³⁷, 2004 SCMR 1358, the Honorable Supreme Court observed that no medical certificate was

appended with Application for condonation of delay and held that in absence of medical Certificate, plea of being indisposed cannot be entertained.

In **Messrs. Hashamally Bross vs Netherlands Trading Society**³⁸ it was held that, the applicant ought to have produced the medical certificate along with the application where the applicant sought to get the appeal restored on the ground of illness and in any case should have produced it before the final hearing of the appeal.

Wrong but Bona-Fide Advice of the Lawyer:

In view of the facts and circumstances of the case it can be said that the mistake or oversight of the Tadbirkar or counsel of the petitioners is a sufficient cause within the meaning of section 5 of the Limitation Act and the petitioners are entitled to have an extension of time.³⁹ Wrong advice by the counsel with due care and caution would be sufficient ground for exclusion of time but gross negligence of counsel cannot be ground for exclusion of time. Mistaken advice given by a legal practitioner may in the circumstances of a particular case give rise to sufficient cause within the section though there is certainly no general doctrine which saves parties from the results of wrong advice.⁴⁰

In **Bhausahab jamburao vs Somobai**⁴¹ it was observed that where the delay in applying for copies is caused by the erroneous advice received by an applicant for leave to appeal to His Majesty in council from his advocate such mistaken advice of the law is a sufficient cause for excusing delay in making the application.

Inadvertence, negligence, mistake simpliciter etc. of the counsel does not constitute A sufficient cause⁴²(PLD 2016 SC 872, PLD 1991 SC 102).

Proceedings in Wrong Court:

Where the litigant and the counsel had acted with due care and caution and their conduct did not smack of negligence, the institution of appeal in wrong forum may constitute a sufficient cause within the meaning of section 5.⁴³

The power to condone the delay and grant an extension of time under section 5 of The Act is discretionary, whereas under section 14 of the Act, exclusion of time is Mandatory on the satisfaction of the condition prescribed in it⁴⁴(2012 SCMR 377).

Ignorance of law

Generally, a mistake or ignorance of law is not a sufficient cause. It is often said that ignorance of law cannot be shown as excuse, but ignorance of fact may be shown as excuse. It would be the shaking of established authority to maintain that ignorance of law or mistake of law are reasons for the excuse and as such, furnish elements for extending the period of limitation which the statutory law provided.

Ignorance of law unaccompanied by negligence in action or want of bona-fide may in proper cases be a sufficient cause, but section 5 of the

Limitation Act was not provided to encourage negligence, procrastination and laxity. In **Syed Barkurdar vs Syed Mathali Chowdhury** ⁴⁵

It was held that, ignorance of law accompanied by circumstances not indicating want of good faith or diligence may furnish as a sufficient ground for condonation of delay.

Ignorance of law is not a ground for extension of time, but sufficient bona-fide cause exists, delay may be condoned. Therefore, ignorance of law accompanied by situations not indicating want of good faith may fit up sufficient ground for condonation of delay.⁴⁶

2. Condonation Regarding Government:

Law does not make any discrimination between the Government and a private litigant in respect of condoning the delay. Negligence of an agent or a servant of the Government is not a sufficient cause to condone the delay. In the matter of condonation of delay Government does not enjoy any special privilege. The prayer from the side of the Government for condonation of delay should have considered with somewhat leniency, but not in the absence reasonable or close to satisfactory explanation for the delay.⁴⁷ Government functionaries are not entitled for any preferential treatment so far as question of limitation for institution of proceedings is concerned and are treated at par with the other litigants.⁴⁸ Where the Government, in spite of enormous resources and facilities at its disposal, continued to delay filling of cases in time detrimental to its own interest, opposite party could not be penalized for its negligence. Each day of limitation must satisfactorily be explained which petitioner had failed to do. Petition for leave to appeal being barred by 217 days and there being no sufficient ground for condonation of such delay, same must fail on ground of limitation.

Conclusion

Thus, we may conclude from the above discussion that law of limitation and condonation of delay are two effective implementations in the quick disposal of cases and effective litigation. The law of limitation keeps a check on the pulling of cases and prescribes a period within which the suit can be filed and the time available within which the person can get the remedy conveniently. There has to be a balance between the rights of the applicant who files an application after the limitation expires and the rights acquired by the other party on such delay. The law of condonation of delay keeps the principle of natural justice alive and also states the fact that different people might have different problems and the same sentence or a singular rule may not apply to all of them in the same way. Thus, it is essential to hear them and decide accordingly whether they fit in the criteria of the judgment or whether they deserve a second chance. The court should have applied its discretions in furtherance of justice, but these discretions also should not override the principle that "Justice delayed is justice denied".

Bibliography

- 1 11DLR 40
- 2 PLD 2016 SC 872
- 3 PLD 2015 SC 212, PLD 2013 SC 392, 2011 SCMR 8, 2011 SCMR 23, 2017 YLR Note 158LHR
- 4 PLD 2016 SC 872
- 5 PLD 2018 SC 532
- 6 PLD 2016 SC 872, PLD 2015 SC 212, 2011 SCMR 8, 2011 PTD 2358 DB
- 7 PLD 2019 LHR 717
- 8 PLD 2016 SC 872
- 9 PLD 2005 LHR 129
- 10 PLD 2016 SC 872
- 11 2016 SCMR 910, 2014 SCMR 513
- 12 2015 SCMR 380, PLD 2015 SC 212, PLD 2005 LHR 129
- 13 PLD 2014 SC 164
- 14 2017 YLR NOTE 158 LHR
- 15 PLD 1985 SC 153
- 16 PLD 1969 SC 167
- 17 2002 SCMR 1903
- 18 PLD 2016 SC 872
- 19 PLD 1962 DACCA 381, 2003 YLR 1837, PLD 2016 SC 872
- 20 PLD 2015 SC 212, 2019 SCMR 1930
- 21 2018 CLD 1027 LHR, 2020 CLD 249 LHR, 2017 CLD LHR
- 22 PLD 2020 LHR 354
- 23 2019 CLC 1972 LHR
- 24 Section 9 of Limitation Act, 2007 SCMR 1792, 2009 CLD 1671 LHR
- 25 PLD 1996 LHR 158, PLD 2018 LHR 697
- 26 PLD 2014 LHR 1
- 27 9 DLR 1957, 82
- 28 27 DLR 1975, 418
- 29 5 DLR 1953 495
- 30 SH Mahmood vs Assistant Commissioner Income Tax, PLD 1951
- 31 Mostafa vs State, 54 DLR 282
- 32 Md Iqbal Hossain VS Abdur Rab, 42 DLR 419
- 33 8 DLR 167
- 34 16 CLJ 366
- 35 10 DLR (WP), 75
- 36 PLD 1988 Kar 334
- 37 2004 SCMR 1358
- 38 PLD 1961 Karachi 231 (DB)
- 39 10 DLR (WP) 75
- 40 Nitya Gopal Saha VS Binod Bihari Saha 29 DLR 259
- 41 CPC AIR (33) 1946 Bombay 437
- 42 PLD 2016 SC 872, PLD 1991 SC 872
- 43 Abdul Majeed vs Ghulam Haider 2001 SCMR 1254
- 44 2012 SCMR 377
- 45 25 DLR 203
- 46 Victory Wall Development Ltd VS Islami Bank Bangladesh Ltd 47 DLR 409
- 47 Sonar Bangla Services Station VS Bangladesh 59 DLR (AD) 1
- 48 Anoud Power Generation Ltd vs Federation of Pakistan PLD 2001 SC 340

References

- ¹ 11DLR 40
- ² PLD 2016 SC 872
- ³ PLD 2015 SC 212, PLD 2013 SC 392, 2011 SCMR 8, 2011 SCMR 23, 2017 YLR Note 158LHR
- ⁴ PLD 2016 SC 872
- ⁵ PLD 2018 SC 532
- ⁶ PLD 2016 SC 872, PLD 2015 SC 212, 2011 SCMR 8, 2011 PTD 2358 DB
- ⁷ PLD 2019 LHR 717
- ⁸ PLD 2016 SC 872
- ⁹ PLD 2005 LHR 129
- ¹⁰ PLD 2016 SC 872
- ¹¹ 2016 SCMR 910, 2014 SCMR 513
- ¹² 2015 SCMR 380, PLD 2015 SC 212, PLD 2005 LHR 129
- ¹³ PLD 2014 SC 164
- ¹⁴ 2017 YLR NOTE 158 LHR
- ¹⁵ PLD 1985 SC 153
- ¹⁶ PLD 1969 SC 167
- ¹⁷ 2002 SCMR 1903
- ¹⁸ PLD 2016 SC 872
- ¹⁹ PLD 1962 DACCA 381, 2003 YLR 1837, PLD 2016 SC 872
- ²⁰ PLD 2015 SC 212, 2019 SCMR 1930
- ²¹ 2018 CLD 1027 LHR, 2020 CLD 249 LHR, 2017 CLD LHR
- ²² PLD 2020 LHR 354
- ²³ 2019 CLC 1972 LHR
- ²⁴ Section 9 of Limitation Act, 2007 SCMR 1792, 2009 CLD 1671 LHR
- ²⁵ PLD 1996 LHR 158, PLD 2018 LHR 697
- ²⁶ PLD 2014 LHR 1
- ²⁷ 9 DLR 1957, 82
- ²⁸ 27 DLR 1975, 418
- ²⁹ 5 DLR 1953 495
- ³⁰ SH Mahmood vs Assistant Commissioner Income Tax, PLD 1951
- ³¹ Mostafa vs State, 54 DLR 282
- ³² Md Iqbal Hossain VS Abdur Rab, 42 DLR 419
- ³³ 8 DLR 167
- ³⁴ 16 CLJ 366
- ³⁵ 10 DLR (WP), 75
- ³⁶ PLD 1988 Kar 334
- ³⁷ 2004 SCMR 1358
- ³⁸ PLD 1961 Karachi 231 (DB)
- ³⁹ 10 DLR (WP) 75
- ⁴⁰ Nitya Gopal Saha VS Binod Bihari Saha 29 DLR 259
- ⁴¹ CPC AIR (33) 1946 Bombay 437
- ⁴² PLD 2016 SC 872, PLD 1991 SC 872
- ⁴³ Abdul Majeed vs Ghulam Haider 2001 SCMR 1254
- ⁴⁴ 2012 SCMR 377
- ⁴⁵ 25 DLR 203
- ⁴⁶ Victory Wall Development Ltd VS Islami Bank Bangladesh Ltd 47 DLR 409
- ⁴⁷ Sonar Bangla Services Station VS Bangladesh 59 DLR(AD)1
- ⁴⁸ Anoud Power Generation Ltd vs Federation of Pakistan PLD 2001 SC 340