FEDERAL CONSTITUTIONAL COURT OF PAKISTAN
(Original/Appellate/Advisory/Review Jurisdiction)

PRESENT:
Justice Ali Baqar Najafi
Justice Syed Arshad Hussain Shah

FCRP No.615 of 2026 IN C.A No.64-L of 2010
[for review of the impugned order dated 28.03.2025 passed by the Supreme Court of Pakistan in C.A No.64-L of 2010]

Begum Asmat Saeed Malik (deceased) through Legal Hiers etc. .... Petitioner (s)

Versus

Malik Noor Muhammad & others .... Respondent

For the Petitioner(s) : Mr. M.D, Chaudhry, ASC

For the Respondent(s) : N.R.

Date of Hearing : 22.10.2026

JUDGMENT

ALI BAQAR NAJAFI, J. This is an application for review of the order dated 28th of March, 2025, whereby, a Two Members Bench of the Supreme Court of Pakistan had dismissed the Civil Appeal No.64-L of 2010 for non-prosecution as well as on merits.

2. The review application was filed with the delay of 463 days and in the application for condonation of delay, the only ground mentioned was that the learned counsel for the petitioners namely Mian Israr Ahmad, ASC had expired, who was pursuing their case and the petitioners were not aware of his death until 22.07.2026, when they visited his office and, thereafter, immediately applied for the copies and filed the instant review application. However, neither the date of death of the learned counsel was mentioned nor the fact of delayed accrued knowledge of the dismissal of the Civil

Appeal was adequately substantiated by the petitioners before this Court.

3. Besides, we have noticed that the order of the High Court challenged before the Supreme Court in Civil Appeal No.64-L of 2010 was dated 25.09.2006, whereby, the application under Section 12(2) CPC filed by the petitioner was dismissed on the ground that the plea taken in the said application could be agitated before the executing court where they can substantiate that they were not bound by the compromise reached between the parties. Obviously, in a suit for specific performance of agreement to sell relating to 712-Kanal & 18-Marlas, if the matter has been compromised which resulted into an order dated 01.12.1997 and eventually the civil litigation also had come to an end on 24.03.2004, the petitioners could very well agitate their case before the executing court. We, therefore, do not see any illegality in the impugned order. As already observed above, the delayed application for review of the order has also not been substantiated with the grounds for condonation of delay. Hence, the request for condoning the delay is declined and instant FCRP is also **dismissed on merits.**

JUDGE

JUDGE

Islamabad
22.10.2026
'Not Approved for Reporting'
Adeel