

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE MUNIB AKHTAR
MR. JUSTICE IRFAN SAADAT KHAN

C.P.L.A.3744/2023

(Against order dated 01.08.2023 passed by the High Court of Sindh at Karachi in Civil Revision Application No.S-139/2022.)

And

C.M.A.6730/2024

(Stay)



Agha Abid Majeed Khan

... **Petitioner / Applicant**

Vs

Idrees Ahmed and another

... **Respondents**

For the Petitioner / : Mr. Ahmer Bilal Soofi, ASC
Applicant

For Respondent No.1 : Nemo

For Sindh : Mr. Kafeel Ahmed Abbasi, Addl. A.G.
(via video-link, Karachi)

For the Federation : Mr. Munawar Iqbal Duggal, Addl. A.G.P.

Date of Hearing : 18.02.2026

ORDER

Munib Akhtar, J.: Respondent No. 1 has been served and service is held good. Neither he nor anyone on his behalf has appeared nor is there any intimation. He is proceeded against ex parte.

2. The facts can be stated briefly. The petitioner is the judgment debtor of a decree made in favor of the respondent No. 1 in a summary chapter suit. In execution proceedings filed by the latter, an order was made by the executing Court (on application) for the Computerized National Identity Card (CNIC) of the petitioner to be blocked till such time that he gave surety for the decretal amount. The petitioner filed a revision petition in the High Court which was dismissed by means of the impugned

order. In the course of its decision, the learned High Court observed as follows: “Prima facie, the blocking of the CNIC of the judgment debtor is a step towards execution of the lawful orders passed by the competent Court of law and the litigation between the parties is pending since 2012 and still judgment and decree has remained un-executable since 29.3.2016.... In such circumstances, I am not persuaded to interfere in the discretion exercised by the trial Court for the reasons supra”.

3. Learned counsel for the petitioner submitted that the impugned order was not correct in law as no jurisdiction vested in the executing Court to order the blocking of the CNIC of any person as a step in or towards the execution of a decree. The learned Additional Advocate General, Sindh and the learned Additional Attorney General also submitted that the impugned order was not sustainable. We are grateful for the assistance rendered by the learned law officers.

4. Section 51 of the CPC sets out the various modes for execution of a decree. Clauses (a) to (d) set out certain specific modes, none of which is relevant for present purposes. The final clause (e) then generally allows for the decree to be executed “in such other manner as the nature of the relief granted may require”. This clause certainly confers the necessary flexibility and latitude as enables the executing Court to ensure that the decree is satisfied. However, it cannot obviously be stretched to the point where the order made in execution loses all contact with the statutory provision. In the case at hand the decree is simply a money decree on a summary chapter suit. We are not at all satisfied that such a decree would require or make permissible execution by blocking the CNIC of the judgment debtor by resort to s. 51(e). One might as well then (for instance) also allow the executing Court to order the blocking of utilities (such as electricity, water etc.) from the residence or workplace of a judgment debtor for execution of a money decree. While a robust approach should certainly be taken to ensure execution it cannot be so muscular (especially in the exercise of a general power of the nature conferred by clause (e)) as essentially deprives the judgment debtor of an essential aspect of living. The CNIC is not a

luxury or a mere statutory requirement. In these times it has become essential to being able to carry on a normal way of life in the ordinary course. In our view, to curtail a judgment debtor from this is not the proper exercise of discretion or any statutory powers as, with respect, erroneously concluded by the learned High Court.

5. The learned AAG, Sindh has drawn our attention to an amendment made in 2018 or thereabouts by the Peshawar High Court to the CPC as applicable in the KPK Province (in exercise of its rule making powers under Part X). There, in Order 21, the following rule 117 has been added:

“The modes of compelling the judgment debtor for his attendance or for completing the execution proceedings may include blockage of his Computerized National Identity Card.”

We would like to reserve our views on the constitutional or legal validity of such a provision for an appropriate case since it is not, as such, before us. However two points may nonetheless be made with reference thereto. It obviously applies only in KPK Province and not in Sindh from where the present proceedings arise. Secondly, the very fact that the Peshawar High Court felt impelled to include such an express power in the CPC shows that absent such a provision no such power could be implied into the discretion of the executing Court or regarded as otherwise available to it in any general provision relating to the execution of a decree.

6. For the foregoing reasons it was announced at the conclusion of the hearing that the leave petition was being converted into an appeal and allowed. It is so ordered.

Judge

Judge

Islamabad, the
18th February, 2026
Naveed /

Approved for reporting