

**THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

**JUSTICE MUHAMMAD ALI MAZHAR**  
**JUSTICE SHAHID BILAL HASSAN**

**C.P.L.A. No.2413-L of 2025**

*[Against the judgement dated 07.10.2025 passed by the Lahore High Court, Multan Bench, in C.R. No.793-D of 2025]*

*Kalu (deceased) through legal heirs*

***...Petitioner(s)***

***Versus***

*Abdul Rasheed (deceased) through legal heirs and others*

***...Respondent(s)***

For the Petitioner(s) : Mr. Waseem Ahsan, ASC.

For the Respondent(s) : Mr. Kareem-ud-Din Khilji, ASC.

Date of Hearing : 17.09.2026

**J U D G M E N T**

**SHAHID BILAL HASSAN, J-** This petition for leave to appeal under Article 185(3) of the Constitution of the Islamic Republic of Pakistan, 1973, seeks to call into question three concurrent decisions rendered by the learned Courts below, whereby the suit instituted by respondent No.1 was concurrently decreed in his favour.

**2.** The instant controversy arises out of a dispute concerning registration of a sale deed in respect of the property in question. Respondent No.1 claimed to have entered into an earlier transaction for purchase of the property and, pursuant thereto, presented the sale deed for registration before the Sub-Registrar. The registration was declined, whereafter respondent No.1 invoked the remedy provided under Section 77 of the Registration Act, 1908 by instituting a suit seeking an order for registration of the document.

3. The learned Trial Court, upon consideration of the matter, decreed the suit in favour of respondent No.1. The appeal preferred by the petitioners was dismissed, and the learned High Court, in its revisional jurisdiction, also declined to interfere with the concurrent findings recorded by the Courts below. Hence, the present petition for leave to appeal.

4. Notice was issued to the respondents vide order dated 29.06.2026 in the following terms:

*“At the very outset, learned counsel for the petitioner argued that the deceased respondent No.1 filed an application under Section 73 of the Registration Act, 1908, against refusal of the registration, which was to be filed within one month of the registration. However, the same was belatedly filed. He further argued that the facts gleaned from the record reveal that the deceased respondent should have filed a suit for specific performance rather than a suit under Section 77 of the Registration Act, 1908, and this crucial aspect of the case has not been considered by the Courts below. He further contends that at the moment, there are two separate sale deeds for the same property and the respondent has filed execution application before the executing Court on the basis of impugned judgment dated 07.10.2025 and decree dated 05.05.2015. Therefore, he requests that some interim order may be passed till the next date of hearing. Notice be issued to the respondents.”*

5. Conversely, learned counsel for respondent No.1 placed reliance upon an order dated 26.03.1989 passed by a learned two-member Bench of this Court in Civil Petition No.534 of 1985, arising out of the same dispute between the parties, wherein the precise contention that the remedy available to respondent No.1 was only to institute a suit for specific performance, rather than a suit under Section 77 of the Registration Act, 1908, was considered and repelled. The relevant portion of the said order is reproduced hereunder:

*“After hearing the learned counsel for the petitioner we are not persuaded that the decision of the Additional District Judge suffers from any infirmity. His contention on behalf of the petitioner is that the only remedy available to Hafiz Abdur Rashid was to file a suit for specific performance. This contention is not correct. The refusal of the Registrar to direct registration of the sale deed which was of much earlier date than the one*

executed in favour of the petitioner gave Hafiz Abdur Rashid a statutory right to approach a Civil Court. We do not see how he can be denied of that right. The petition is dismissed."

(Underlined for emphasis)

6. We have considered the submissions advanced by learned counsel for the parties and have examined the record. The contention now advanced by the petitioners, namely, that respondent No.1's remedy lay in a suit for specific performance and not in proceedings under Section 77 of the Registration Act, 1908, does not arise for consideration for the first time before us. The record demonstrates that the very same contention had earlier been raised before this Court in Civil Petition No.534 of 1985, wherein a learned two-member Bench, vide order dated 26.03.1989, specifically considered and repelled the contention that the only remedy available to Hafiz Abdur Rashid (present respondent, now deceased) was to institute a suit for specific performance. The said order was passed in proceedings arising out of the same dispute and between the same parties.

7. The question, therefore, is whether a contention which has already been considered and conclusively determined by this Court can once again be brought before it in a subsequent round of litigation.

The answer must necessarily be in the negative. The doctrine of *res judicata* rests upon the fundamental principle that litigation must attain finality. In Habib-Ur-Rehman and others v. Abdul Karim (deceased) through L.Rs and others (2025 SCMR 1262), this Court observed:

*"The far-sightedness or prudence ingrained in this doctrine of res judicata protects against never-ending litigation and ensures finality, thereby saving parties from the rigors of protracted or multiplicative proceedings. A cause of action finally adjudicated on merits must not be re-litigated. This doctrine also connotes "claim preclusion," whose indispensable elements include that the erstwhile judgment must be valid and final between the parties, and the same issue must not be brought again for re-litigation. Furthermore, this rule is essential to avert repetitive litigation and to*

*ensure justice, equanimity, and dependability in judicial proceedings by curbing frivolous and vexatious litigation, often initiated with mala fide intention or ulterior motives just to drag the opponents in courts for reopening matters already conclusively decided. Simultaneously, it also lightens the court's docket and helps eliminate time-consuming and meritless litigation. At this juncture, we are reminded of the renowned Latin maxims: "Nemo debet his vexari pro una et eadem causa", no man should be vexed twice for the same cause, and "Interest reipublicae ut sit finis litium", it is in the best interest of the State to put an end to litigation. What is generally done or believed along the lines of conventional astuteness is that one judicial contest is sufficient for litigants to lodge their claims or put forward a defense rather than litigating for one and the same cause of action between the same parties for the same subject matter again and again."*

The same principle was reiterated by this Court in Messrs Khurshid Soap and Chemical Industries (Pvt.) Ltd. through Sheikh Muhammad Ilyas and others v. Federation of Pakistan through Ministry of Petroleum and Natural Resources and others (PLD 2020 SC 641), wherein it was held:

*"The principle of res judicata is a principle of peace. Once a controversy with regard to a right in property or a right to office is adjudicated upon and attains finality through a judicial pronouncement of a competent Court of law, it no more remains open to challenge in any subsequent judicial proceedings between the same parties on the same subject matter. This principle is intended not to afford a litigant more than one opportunity for resolution of a judicial dispute and thus eliminates the chances of repetitious and successive litigation against a party on the same issue. The maxim that there should be an end to litigation is germane to such matters."*

More particularly, in Muhammad Rameez v. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others (2023 SCMR 992), this Court, while dealing with an issue already determined in an earlier round of litigation, explained the significance of finality in the following terms:

*"In the earlier round of litigation this Court has already held that all the employees were performing duties on contract basis as project employees, thus the continuity of their services with the Board will by itself furnish no ground for grant of relief of regularization of their services and the Review Petition was also dismissed. The doctrine of finality is primarily focused on a long-lasting and time*

*honored philosophy enshrined in the legal maxim "Interest reipublicae ut sit finis litium" which recapitulates that "in the interest of the society as a whole, the litigation must come to an end" or "it is in the interest of the State that there should be an end to litigation". Finality of judgments culminates the judicial process, proscribing and barring successive appeals or challenging or questioning the judicial decision keeping in view the rigors of the renowned doctrine of res judicata explicated under section 11 of the Code of Civil Procedure, 1908. The Latin maxim "Re judicata pro veritate occipitur" expounds that a judicial decision must be accepted as correct. This doctrine lays down the principle that the controversy flanked by the parties should come to an end and the judgment of the Court should attain finality with sacrosanctity and imperativeness which is necessary to avoid opening the floodgates of litigation. Once a judgment attains finality between the parties it cannot be reopened unless some fraud, mistake or lack of jurisdiction is pleaded and established. The foremost rationale of this doctrine is to uphold the administration of justice and to prevent abuse of process with regard to the litigation turn out to be final and it also nips in the bud the multiplicity of proceedings on the same cause of action. In the case in hand, for all practical purposes, the controversy attained finality and even under the doctrine of past and closed transaction, the controversy cannot be reopened by this Court in the second round of litigation which on the face of it is an abuse of process of the Court."*

**8.** Applying the above principles to the case before us, the objection now sought to be pressed by the petitioners has already been conclusively determined by this Court in the earlier round of litigation. The order dated 26.03.1989 did not leave the question open; rather, the learned two-member Bench expressly considered the contention of the present petitioners germane to lis in hand (*that the only remedy available to respondent No.1 was a suit for specific performance*) and categorically held that such contention was not correct. It was further held that the refusal of the Registrar to direct registration of the earlier sale deed gave respondent No.1 a statutory right to approach the Civil Court. The said determination was between the same parties and was with regards to the very same controversy. The petitioners cannot, therefore, secure a second adjudication of an issue which has already been finally determined by this Court.

**9.** The subsequent attempt to re-agitate the same question, notwithstanding its prior determination by this Court, is consequently hit by the principle of *res judicata* and, in any event, by the broader doctrine of finality of judicial determinations. The sanctity of a judicial decision cannot depend upon the repeated preference of a litigant to advance the same contention in successive rounds of proceedings. Once this Court has conclusively pronounced upon the question, the matter must rest there. To permit its reopening would be contrary to the very principle of finality which underlies the doctrine of *res judicata* and would result in multifariousness of proceedings.

**10.** In these circumstances, we find no reason to revisit the question, already settled by this Court in its order dated 26.03.1989. The contention of the learned counsel for the petitioners that respondent No.1 was required to institute a suit for specific performance, instead of availing the statutory remedy under Section 77 of the Registration Act, 1908, is therefore not open to re-agitation in the present proceedings. The concurrent judgments and decrees of the learned Courts below do not, on this account, call for interference.

**11.** For the foregoing reasons, no question requiring interference by this Court under Article 185(3) of the Constitution is made out. The petition for leave to appeal is accordingly dismissed and leave is refused. The interim order, if any, stands vacated. No order as to costs.

**JUDGE**

**JUDGE**

Islamabad, the  
17<sup>th</sup> of September, 2026  
"Approved for Reporting"  
M.A. Hassan