SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:
Justice Shahid Waheed
Justice Naeem Akhter Afghan

Civil Petition for Leave to Appeal Nos.1917-L, 1918-L, 1919-L, 1920-L and 1921-L of 2015
(Against the judgment dated 29.05.2015 of the Lahore High Court, passed in C.R. No.1566, 1567, 1568, 1569/2006 and R.S.A. No. 87/2006)

Aftab Ahmad etc.	(CPLA No.1917-L/2015)	
Muhammad Nazeer	(CPLA No.1918-L/2015)	
Aish Muhammad	(CPLA No.1919-L/2015)	
Soins Alias Soni	(CPLA No.1920-L/2015)	
Majida Khatoon	(CPLA No.1921-L/2015)	**Petitioners**
	Versus	
Ghulam Mustafa etc.	(CPLA No.1917-L/2015)	
Mst. Nayyar Sultana (deceased) through her legal heirs. etc.	(CPLA Nos.1918-L & 1919-L/2015)	
Mst. Syedan Begum etc.	(CPLA Nos.1920-L & 1921-L/2015)	**Respondents**

For the petitioners	:	Sheikh Naveed Sheryar, ASC Sheikh Usman Karim Uddin, ASC **(through video link from Lahore)**
For the respondents	:	Muhammad Shahzad Shaukat, ASC
Date of hearing	:	06.04.2026

ORDER

Naeem Akhter Afghan, J. Civil suits dated 13.03.1995, 22.03.1995, 11.04.1995 and 23.06.1996 (subject matters of CPLA Nos. 1921-L/2015, 1918-L/2015, 1920-L/2015 and 1919-L/2015) were filed by the purchasers for specific performance of sale agreements dated 15.11.1992, 22.11.1992, 07.12.1992 and 26.07.1993 executed with them by the seller Shah Zaman through his attorney/paternal cousin Aftab Ahmed. The general power of attorney was executed by Shah Zaman in the name of his paternal cousin Aftab Ahmed on 24.09.1992. The same was got registered by Shah Zaman with sub-registrar Sargodha on 27.10.1992. Shah Zaman passed away on 28.08.1993.

2. The suits were decreed by learned Civil Judge, 1st Class, Sargodha (**the Trial Court**) *vide* separate judgments and decrees dated 03.10.2005. The legal heirs of deceased Shah Zaman, including his daughter Mst. Nayyar Sultana/contesting defendants preferred separate appeals which came up for hearing before learned Additional District Judge, Sargodha (**the Appellate Court**). The Appellate Court accepted the appeals and dismissed the suits for specific performance *vide* separate judgments and decrees dated 24.04.2006. Feeling aggrieved, the purchasers (in CPLA Nos.1917-L

to 1920-L/2015) filed Civil Revisions before the Lahore High Court (**High Court**) while the purchasers (in CPLA No.1921-L/2015) filed RSA No.87/2006 which were dismissed by the High Court *vide* separate judgments dated 29.05.2015 against which the purchasers have preferred CPLA Nos.1917-L to 1921-L/2015 before this court.

3. Civil suit dated 28.03.2002 (subject matter of CPLA No.1917-L/2015) was filed by the legal heirs of deceased Shah Zaman for cancellation of the registered general power of attorney executed by their predecessor in the name of his paternal cousin Aftab Ahmed on the ground that same is forged and fabricated and for cancellation of the four sale agreements (mentioned in para-1 above). The suit was contested by the attorney Aftab Ahmed as well as by the purchasers. The same was dismissed by the Trial Court with compensatory cost of Rs.20,000/- *vide* judgment and decree dated 03.10.2005. Feeling aggrieved, the legal heirs of deceased Shah Zaman preferred appeal. The Appellate Court accepted the appeal and decreed the suit *vide* judgment and decree dated 24.04.2006 against which the attorney Aftab Ahmed and the purchasers preferred civil revision before the Lahore High Court which has been dismissed *vide* judgment dated 29.05.2015 against which the attorney and the purchasers have preferred CPLA No.1917-L/2015 before this court.

4. After hearing learned counsel for the parties, we have perused the available record which reveals that daughter of late Shah Zaman (Mst. Nayyar Sultana), who has challenged the registered power of attorney executed by her father in the name of his paternal cousin Aftab Ahmed, is also one of the beneficiaries of the said registered power of attorney on the basis whereof land measuring 9 *Kanals* belonging to his father Shah Zaman was gifted to her by her father through his attorney *vide* gift deed dated 06.07.1993 which has not been challenged by Mst. Nayyar Sultana till date.

5. The evidence reveals that *vide* mutation No.1207 dated 27.06.1993 Shah Zaman through his attorney Aftab Ahmed had sold and got transferred land measuring 21 *Marlas* in the name of Rafiq Ahmed Advocate but same has also not been challenged by the legal heirs of late Shah Zaman till date.

6. It further reveals that a piece of land was mortgaged by Shah Zaman through his attorney Aftab Ahmed with Punjab Small Industries for obtaining loan which has also not been disputed/challenged by the legal heirs of late Shah Zaman.

7. Bashir Ahmed, Vice Chairman, Union Council Bhagtan Wala was also having license of stamp vendor. He appeared at the trial as PW-1 in the case of Aish Muhammad (subject matter of CPLA No. 1919-L/2015) and confirmed issuance of stamp paper mentioned at Sl. No.1319 dated 11.08.1992 of his register which according to him was purchased by Shah Zaman for preparing the general power of attorney in the name of Aftab Ahmed. The petition writer Muhammad Iqbal appeared at the trial as DW-1, and confirmed that the general power of attorney was written by him on the instructions of Shah Zaman. According to the statement of DW-1, Shah Zaman and the attesting witnesses Altaf Ahmed and Dost Muhammad had signed the general power of attorney in his presence. One of the attesting witnesses of the general power of attorney i.e. Dost Muhammad also appeared at the trial as DW-2 and recorded his testimony which fully proves execution of general power of attorney by Shah Zaman in the name of his paternal cousin Aftab Ahmed. The general power of attorney was also got registered by Shah Zaman with sub-registrar Sargodha on 27.10.1992 and he was identified by PW-1 Bashir Ahmed, Vice Chairman Bhagtan Wala. The sub-registrar, Sargodha Rana Ghulam Mustafa also appeared at the trial as DW-8 and confirmed that the general power of attorney was got registered by Shah Zaman by physically appearing before him.

The evidence on record proves genuineness of the registered power of attorney in the name of Aftab Ahmed by Shah Zaman.

8. Order VI Rule 4 of the Code of Civil Procedure (**CPC**) reads as follows:

> *"4. Particulars to be given where necessary.*–In all cases in which the party pleading relies on any misrepresentation, fraud, breach of trust, willful default, or undue influence, and in all other cases in which particulars may be necessary beyond such as are exemplified in the forms aforesaid, particulars (with dates and items if necessary) shall be stated in the pleading."

9. According to settled principles when a party alleges fraud it becomes its duty to prove the same and generalized allegations or mere bald assertions without evidence cannot shift the initial burden.[1] It is also settled that the standard of proof required in a civil dispute is preponderance of probabilities and not beyond any reasonable doubt. In absence of any tangible evidence produced by the plaintiffs to support the plea of fraud, it does not take the matter further.[2]

10. In their suit for cancellation of registered power of attorney (subject matter of CPLA No.1917-L/2015) the legal heirs of deceased Shah Zaman

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[1] Nazeeran v. Ali Bux (2024 SCMR 1271)
[2] Muhammad Munir v. Umar Hayat (2023 SCMR 1339)

did not furnish the requisite particulars with regard to the alleged fraud, fabrication and forgery in preparation of general power of attorney by their predecessor Shah Zaman and its subsequent registration with sub-registrar Sargodha in the presence of their predecessor Shah Zaman. They have levelled mere bald allegations of fraud and forgery but throughout the trial, they have failed to produce any convincing evidence to prove the element of forgery, fraud or misrepresentation in execution and registration of power of attorney by their predecessor Shah Zaman in the name of his paternal cousin Aftab Ahmed.

11. According to Article 129(e) of the Qanun-e-Shahadat Order, 1984 presumption of regularity is attached to the official acts.[3] The legal heirs of late Shah Zaman have failed to rebut the presumption of regularity attached with the registered power of attorney executed by their predecessor in the name of his paternal cousin Aftab Ahmed.

12. The purchasers who had filed suits for specific performance of sale agreements executed by Shah Zaman through his registered attorney have proved the lawful execution of the sale agreements for consideration through convincing and cogent evidence entitling them for specific performance of the same.

13. In view of all the above and on reappraisal of the evidence available on record it is concluded that while decreeing the suits of the purchasers and dismissing the suit filed by the legal heirs of late Shah Zaman for cancellation of registered power of attorney executed by their predecessor in the name of his paternal cousin Aftab Ahmed, the trial court has not committed any illegality. The judgments and decrees passed by the trial court are based on proper appreciation of oral as well as documentary evidence available on record with valid reasonings/findings upon the issues. The same are not suffering from any illegality. It is further concluded that while setting aside the judgments and decrees passed by the trial court, the appellate court as well as the High Court have badly erred in facts as well as in law.

14. For the above reasons, while granting leave, all the petitions are converted into appeals and same are accepted. After setting aside the judgments and decrees dated 24.04.2006 passed by the appellate court as well as the judgments dated 29.05.2015 passed by the Lahore High Court, the judgments and decrees dated 03.10.2005 passed by the trial court in

[3] State Bank of Pakistan v. Franklin Credit and Investment Company Ltd. (2010 SCMR 121)

favour of the purchasers and in favour of the registered attorney Aftab Ahmed are upheld with no order as to costs.

Islamabad,
06.04.2026
Atif*/Zain Alam, L.C.
NOT APPROVED FOR REPORTING