

Legal Adviser's General Authority Extends to Civil Revision: Supreme Court

In *Central Government v. Tariq Mansoor*, the Supreme Court held that a broad authority to defend all departmental court cases ordinarily includes a civil revision arising from the same litigation, unless the appointment order or governing law provides otherwise.

Judgment analysis | Published 10 September 2026 | Shahbaz Shah, Advocate High Court

Case: Central Government through Collector, Dera Ismail Khan v. Tariq Mansoor

Proceeding: Civil Petition No. 260-P of 2022

Court: Supreme Court of Pakistan | Appellate Jurisdiction

Bench: Justice Shakeel Ahmad and Justice Ishtiaq Ibrahim

Decision: Appeal allowed; civil revision restored and remanded for decision on merits

What the Supreme Court decided

The Supreme Court of Pakistan has held that a legal adviser appointed in broad terms to undertake the defence of all court cases relating to a government department is ordinarily competent to institute and prosecute a civil revision arising from the same litigation. The authority does not fail merely because the appointment order does not separately use the words "to file a revision petition".

The Court emphasized that the appointment instrument must be read fairly, as a whole and in light of its purpose. Where neither the instrument nor the governing law limits the authority to a particular court, stage or remedy, the power to defend litigation extends to the procedural steps ordinarily required to protect the client's interests, including appellate and revisional proceedings.

The judgment was delivered in *Central Government through Collector, Dera Ismail Khan and others v. Tariq Mansoor and others*, Civil Petition No. 260-P of 2022. Justice Shakeel Ahmad authored the judgment for a two-member bench also comprising Justice Ishtiaq Ibrahim. The matter was heard and decided on 28 July 2026 and the judgment was approved for reporting.

How the dispute reached the Supreme Court

The respondents had instituted a declaratory suit concerning property described in the plaint. They claimed lawful ownership on the basis of RL-II No. 175, Claim No. 514, comprising 1,250 units, and sought issuance of Robkar PB in their favour. They also sought mandatory and permanent prohibitory injunctions to give effect to the allotment in the record of rights and to prevent its cancellation or transfer to a third party.

The trial court dismissed the suit on 28 July 2011. On appeal, the appellate court reversed that result on 13 February 2014 and decreed the suit subject to completion of the required formalities.

The government side then filed Civil Revision No. 32-D of 2014 before the Peshawar High Court, Dera Ismail Khan Bench. On 9 February 2022, the High Court dismissed the revision as not maintainable. The government parties challenged that judgment through Civil Petition No. 260-P of 2022.

The precise legal question

The Supreme Court identified one question for determination: whether a legal adviser appointed by the competent authority to "undertake the defence of all court cases relating to the Revenue & Estate Department" could institute a revision against an appellate judgment when neither the appointment order nor the governing law expressly restricted that authority.

The appointment order dated 23 August 2013 appointed the legal adviser for one year and used general language covering the defence of all court cases relating to the Department. It did not confine the engagement to the trial court, to pending appearances or to any specified remedy.

Why the word defence received a broad meaning

The Court rejected a narrow reading that would confine defence to filing a written statement, producing evidence and contesting the original suit at trial.

In litigation, an adverse order may require an appeal, revision, interlocutory application, execution step or implementation proceeding. Those steps may be necessary to protect the same client's rights in the same dispute. The Court therefore treated the general authority to defend all court cases as extending throughout the course of the litigation, unless an express term or applicable law cuts it down.

This was a purposive construction of the appointment order. The question was not whether every procedural remedy had been listed individually. The question was whether the instrument, read as a whole, conferred a general authority to conduct and defend the Department's litigation.

A civil revision is connected with the original litigation

The judgment explains that a revision under section 115 of the Code of Civil Procedure, 1908 is not a new cause of action. It is invoked in the same litigation to correct jurisdictional error or material irregularity attributed to a subordinate court.

Although a revision is filed through a separate petition and is procedurally distinct from the suit, that form does not make it an unrelated dispute. It remains integrally connected with the original *lis*. A legal adviser who represented the party in that dispute may continue to protect the client's interests by invoking revisional jurisdiction where the authority is general and unrestricted.

The Court drew support, with appropriate qualification, from the settled principle that appellate proceedings are a continuation of the original proceedings. It applied the same functional reasoning to a revision arising directly from the same litigation.

Technical objections to authority are ordinarily curable

The Supreme Court also addressed the treatment of procedural objections concerning the authority of a person instituting or prosecuting proceedings.

Where there is prima facie evidence of a general authority to institute or defend litigation, an objection about the precise scope or proof of that authority is ordinarily curable. A court should generally give the party a reasonable opportunity to establish or ratify the authorization instead of defeating substantive rights on a purely technical objection.

The judgment relied on S.D.O./A.M., Hashtnagri Sub Division, PESCO, Peshawar v. Khawazan Zad, reported as PLD 2023 Supreme Court 174. The principle drawn from that authority was that a revision should not be dismissed on an authorization objection without allowing the party an opportunity to produce the relevant authorization where general litigation authority existed.

Order III Rule 4 CPC and an advocate's authority

The Court also considered Order III Rule 4 of the Code of Civil Procedure, 1908. An advocate duly engaged by a party is ordinarily authorized to appear, act, plead and conduct proceedings for the client.

The precise scope of that authority may still depend on the appointment instrument and applicable court rules. In this case, however, the controlling order contained a broad and unqualified mandate. The absence of a specific reference to a revision petition did not negate the authority otherwise conferred.

When separate authorization may still be required

The Supreme Court did not create an unlimited rule. It identified circumstances in which separate or specific authorization may be necessary:

- 1 The appointment instrument expressly limits the authority to proceedings before the trial court.
- 2 The authorization covers only appearance and conduct of pending proceedings and does not empower the institution of further proceedings.
- 3 The governing statute or applicable rules expressly require prior approval or a resolution of the competent authority before proceedings are instituted.
- 4 The person issuing the authorization lacks legal competence to authorize the institution or defence of litigation.

None of those circumstances had been pleaded or established in the case before the Court. The holding therefore depends on the broad wording of the actual appointment order and the absence of a contrary legal restriction.

Why the High Court judgment was set aside

The Supreme Court held that the High Court had adopted an unduly narrow construction of the legal adviser's appointment order. The petition was converted into an appeal and allowed, and the High Court judgment dated 9 February 2022 was set aside.

The matter was remanded to the High Court for a fresh decision on the merits after a full opportunity of hearing to the parties. The revision was deemed to remain pending before the High Court.

Because the litigation was already old, the Supreme Court directed the High Court to decide the revision as expeditiously as possible, preferably within two months from receipt of the judgment, excluding the summer vacation period. No order as to costs was made.

What the judgment does not decide

The Supreme Court did not decide the respondents' ownership claim or the merits of the property allotment. Those issues were remanded and remained for the High Court to determine in the pending civil revision.

The judgment does not mean that every advocate automatically has authority to institute every possible proceeding. The appointment instrument, applicable statute, court rules, any requirement of prior approval and the legal competence of the appointing authority remain decisive.

It also does not abolish objections to authorization. It distinguishes a complete absence of authority from a dispute about the scope or proof of an otherwise valid general authorization. The latter is ordinarily curable and should not automatically defeat substantive adjudication.

Practical significance for government litigation

Government departments and their counsel should use appointment orders that clearly identify the client, duration, subject matter and scope of litigation authority. Where the mandate is intended to cover appeals, revisions, reviews, constitutional petitions, execution and ancillary proceedings, express wording can prevent avoidable preliminary objections even though the Supreme Court has rejected the need to enumerate every remedy in a broadly worded order.

Before filing a proceeding, counsel should still check whether the governing statute, departmental rules or litigation policy requires a separate sanction, resolution or approval. A general appointment cannot override an express legal restriction.

For courts, the judgment favours adjudication over premature non-suiting where a valid general authority is apparent and any defect concerns proof, scope or ratification. A short opportunity to produce or confirm the authorization may avoid years of litigation over a curable procedural issue.

Conclusion

Central Government v. Tariq Mansoor is an important Supreme Court judgment on the authority of legal advisers, civil revisions under section 115 CPC and the proper treatment of curable authorization objections.

Its central rule is carefully limited: a broad authority to defend all departmental court cases ordinarily includes a revision arising from the same litigation, unless the appointment terms or governing law expressly provide otherwise. The decision restores the civil revision for a merits determination; it does not resolve the underlying property dispute.

This commentary is independent legal analysis for research and general information. Readers should verify the complete judgment, the applicable appointment instrument, current procedural law and any subsequent judicial treatment before relying on it in proceedings.