

Gift Mutation and Revenue Records in Pakistan: Supreme Court Explains Presumption of Truth, Proof and Proper Challenge

The Supreme Court upheld a 1998 gift mutation supported by possession and evidence, holding that longstanding official revenue entries cannot be displaced by a bare allegation without a proper challenge and cogent proof.

Supreme Court of Pakistan judgment analysis
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Case: Abdul Latif and others v Abdul Jabbar and another

Proceeding: Civil Petition No. 155-Q of 2022

Court: Supreme Court of Pakistan | Decided 15 July 2026

Bench: Chief Justice Yahya Afridi, Justice Irfan Saadat Khan and Justice Aqeel Ahmed Abbasi

Result: Petition dismissed and leave refused; declaration and permanent injunction decree maintained

The ruling in one sentence

The Supreme Court of Pakistan held that a longstanding gift mutation and connected revenue record carry a statutory presumption of truth when supported by oral evidence and continued possession, and cannot be defeated by a bare allegation of invalid hiba where the challenger neither sought cancellation before the proper forum nor produced cogent evidence of fraud, forgery or a better title.

The decision is Abdul Latif and others v Abdul Jabbar and another, Civil Petition No. 155-Q of 2022. Justice Aqeel Ahmed Abbasi authored the judgment for a three-member bench comprising Chief Justice Yahya Afridi, Justice Irfan Saadat Khan and Justice Aqeel Ahmed Abbasi. It was heard and decided on 15 July 2026 and approved for reporting.

How the property dispute arose

The dispute concerned land in Mahal and Mouza Ismailzai, Tappa Manzaki, Tehsil and District Pishin. Abdul Jabbar claimed ownership and peaceful possession of a 1/16 share measuring 2 rode and 9 pole through Mutation No. 448, with reference to Mutation No. 374.

According to Abdul Jabbar, his father-in-law, Akhtar Muhammad, gifted the share to him in 1998. Mutation No. 448 was recorded on 30 October 1998. He alleged that the defendants later tried to interfere with the land and construct a boundary wall over his share. He therefore filed a suit for declaration and permanent injunction.

The trial court decreed the suit on 29 September 2020. The appellate court dismissed the defendants' appeal on 27 May 2021, and the High Court of Balochistan dismissed their civil revision on 21 September 2022. The defendants then sought leave to appeal before the Supreme Court.

What the petitioners argued

The petitioners raised four principal objections. First, they argued that a suit seeking declaration without possession was not maintainable because Abdul Jabbar was allegedly out of possession. Second, they said that the essential ingredients of a valid hiba - offer, acceptance and delivery of possession - had not been proved independently.

Third, they relied on the settled proposition that a mutation does not by itself create or extinguish title. They also referred to Mutation No. 51 as supporting their own ownership and long possession through their predecessor, Syed Abdul Hakeem Shah.

Fourth, they argued that the appellate and revisional judgments were non-speaking and did not independently comply with Order XLI Rules 30 and 31 of the Code of Civil Procedure, 1908.

Why the Supreme Court rejected the challenge

The Supreme Court found that the respondent's case did not rest on Mutation No. 448 alone. Abdul Jabbar examined himself and relied on Syed Jalal Uddin and Syed Abdul Ghaffar. Their evidence supported his continued and uninterrupted possession of the specified share.

Muhammad Nadir, the Patwari, produced the relevant official record. Mutation No. 374 showed Akhtar Muhammad, the donor and father-in-law of Abdul Jabbar, as owner. Mutation No. 448, referring back to Mutation No. 374, recorded Abdul Jabbar as owner after the gift.

The petitioners could not shake this testimony before the trial court, appellate court or High Court. All three courts recorded concurrent findings that Abdul Jabbar was the lawful owner and remained in possession of the subject share.

The Supreme Court also regarded the form of the challenge as decisive. Neither the petitioners nor Akhtar Muhammad's two sons and three daughters had challenged the hiba or Mutation No. 448 before the revenue authorities or a competent civil court. No suit seeking cancellation had been brought.

The petitioners first attacked the transaction defensively in Abdul Jabbar's suit. Even then, they did not establish a specific case of fraud or forgery through cogent evidence. A bare assertion that the gift or mutation was fake could not displace the record and evidence already supporting the respondent's title and possession.

Section 52 and the presumption attached to revenue records

The Court applied section 52 of the West Pakistan Land Revenue Act, 1967. Official entries made by public officers in the discharge of their duties in periodic records of rights, including jamabandis and Khasra Girdwari, carry a statutory presumption of truth until the contrary is proved.

That presumption is rebuttable, not conclusive. It shifts the evidentiary burden to the person disputing the official entry. The challenger must produce cogent and convincing evidence showing why the entry should not be accepted.

In this case, Mutation Nos. 374 and 448 had been incorporated in the official record and remained unchallenged. The petitioners produced no material capable of rebutting their validity. The Court therefore refused to disregard the longstanding entries merely because their correctness was denied in a written statement.

The judgment relied on *Mst. Jehan Bano and others v Mehraban Shah and others*, 2024 SCMR 1096; *Mazloom Hussain v Abid Hussain and others*, PLD 2008 SC 571; *Abdul Ahad v Roshan Din*, PLD 1979 SC 890; *Hakim Khan v Aurangzeb*, 1979 SCMR 625; *Aurangzeb v Muhammad Jaffar*, 2007 SCMR 236; and *Muhammad Amir v Mst. Beevi*, 2007 SCMR 614.

A mutation still does not create title by itself

The judgment must not be reduced to the inaccurate proposition that every mutation proves ownership or validates a hiba. A mutation is primarily a fiscal entry. The Court did not abandon the established rule that a revenue entry by itself neither creates nor extinguishes title.

The result followed from the complete evidentiary setting: the donor's ownership appeared in the earlier record; the gift mutation identified the subsequent owner; the respondent produced oral witnesses; the Patwari proved the official record; possession was established; the entry remained unchallenged for years; and the petitioners failed to prove fraud, forgery, possession or an enforceable competing title.

The statutory presumption strengthened an otherwise supported case. It did not transform an unsupported revenue entry into an indefeasible title document.

Why the proper form of challenge matters

A person who says that a gift mutation is fraudulent, forged or legally ineffective should normally frame a direct challenge before the competent forum. The pleadings should identify the alleged defect, the material facts constituting fraud or forgery, the relief of cancellation or correction sought, and the evidence supporting that relief.

The Court held that a party cannot ordinarily obtain cancellation of a longstanding official entry simply by disputing it in a written statement to an injunction suit, particularly where that party presents no cogent evidence of its own right, title or possession.

This does not mean that every defensive challenge is legally impossible. It means that the legal character of the relief and the burden of proof cannot be avoided. If an official record is to be displaced, the challenge must be pleaded, pursued before the proper forum and proved with evidence proportionate to the allegation.

Possession answered the objection under section 42

The petitioners argued that Abdul Jabbar should have sought possession as a consequential relief and that a declaration alone was barred under section 42 of the Specific Relief Act, 1877.

That argument depended on their assertion that he was out of possession. The courts had found the opposite. Abdul Jabbar's witnesses established his continued possession of the 1/16 share, and the defendants were accused of attempting interference through construction of a wall.

On those facts, a suit for declaration coupled with permanent injunction addressed the threatened invasion. A claim for recovery of possession was not required merely because the defendants asserted exclusive possession in their defence.

Concurrent findings limited further interference

The trial court, first appellate court and High Court reached the same factual conclusions after examining the evidence. The Supreme Court found no factual error or legal infirmity warranting interference under Article 185(3) of the Constitution.

Concurrent findings are not immune from review. They may be disturbed where material evidence is misread or ignored, an incorrect legal test is applied, or the conclusions are perverse. But a party seeking leave must identify such a defect; it is not enough to ask the Supreme Court to reweigh the same evidence merely because another interpretation is preferred.

Here, the petitioners' objections did not overcome the proved revenue record, possession, witness testimony and absence of a proper challenge to the hiba.

How this judgment differs from cases where a gift mutation was rejected

The result should be read alongside, rather than against, the Supreme Court's judgment in Noor Muhammad and others v Ghulam Haider and others, reported as 2026 SCP 211.

In Noor Muhammad, an old mutation recording an alleged oral gift was used to exclude a widow and daughters from inheritance. The beneficiaries failed to independently prove declaration, acceptance and delivery of possession. The mutation could not replace proof of the underlying transaction, and the Court protected the heirs' vested rights.

Abdul Latif presented a materially different record. The donee had oral evidence, a connected chain of official entries, proved possession and Patwari testimony. The donor's legal heirs never challenged the gift, and the petitioners neither sought cancellation nor established fraud, forgery or their own possession.

The combined principle is coherent. A mutation does not create title and cannot rescue an unproved gift. But where the transaction and possession are supported by evidence, the official entry has remained unchallenged and the opposing party offers only a bare denial, section 52 prevents the court from treating the public record as worthless.

Practical guidance for a party relying on a hiba mutation

A party relying on a gift mutation should not assume that the entry will prove the entire transaction. The case should include:

- the donor's title and capacity to make the gift;
- the date and circumstances of declaration and acceptance;
- evidence showing delivery or transfer of possession;
- the original or certified mutation and its connection with the earlier ownership record;
- testimony of available witnesses and the relevant revenue officer;
- subsequent possession, cultivation, construction or other conduct consistent with the gift; and
- evidence showing whether and when the transaction was challenged.

The stronger the independent proof of the underlying transaction, the more useful the revenue entry becomes as corroboration.

Practical guidance for challenging a gift mutation

A challenger should obtain the complete revenue chain rather than rely on a single entry. The earlier ownership record, mutation proceedings, statements recorded at sanction, signatures or thumb impressions, Roznamcha entries, jamabandis, Khasra Girdwari and subsequent transactions may all matter.

The pleading should specify whether the case is absence of a gift, lack of declaration or acceptance, failure of delivery of possession, impersonation, forgery, fraud, want of authority or another legal defect. General words such as fake or fraudulent are unlikely to carry the case without the underlying particulars and evidence.

The challenger should also seek the legally appropriate relief within the applicable limitation framework. Waiting until the recorded owner files an injunction suit may leave the challenger attempting to displace an old public record without a direct cancellation claim or reliable evidence.

Limits of the judgment

The decision does not hold that every unchallenged mutation becomes conclusive through age. The statutory presumption remains rebuttable.

It does not dilute the requirement that a disputed hiba must satisfy its legal ingredients. The outcome reflects the evidence and procedural history of this case.

It does not establish that revenue authorities finally determine civil title. A competent civil court may examine and set aside an entry when the underlying transaction is lawfully challenged and disproved.

It also does not create a universal rule that a person can never question a mutation in a defensive pleading. The judgment shows why a bare collateral denial, unsupported by a proper claim and cogent evidence, failed on these facts.

Final outcome and legal significance

The Supreme Court dismissed Civil Petition No. 155-Q of 2022 and refused leave to appeal. The decree declaring Abdul Jabbar's ownership and possession of the specified 1/16 share, together with the permanent injunction against interference, therefore remained intact.

The judgment is valuable because it reconciles two propositions that are often stated incompletely in property litigation. Revenue entries do not create title, yet official records are not legally meaningless. They carry a rebuttable statutory presumption and may provide strong corroboration where the underlying transaction, possession and surrounding evidence are proved.

For future hiba disputes, the decisive question is not simply whether a mutation exists. It is whether the transaction behind it is supported by reliable evidence, whether the public record was properly and timely challenged, and whether the opposing party can rebut the statutory presumption with a coherent title and cogent proof.

This commentary is independent legal analysis for research and general information. The complete judgment, current statutory text, applicable provincial revenue law and facts of the particular dispute should be checked before reliance in proceedings.