

Fraud in a Registered Sale Deed Must Be Proved: Pakistan Supreme Court

In *Khurram Rasheed v Ch. Haider Zaman*, the Supreme Court restored a trial court decree after finding that allegations of fraud and forgery in a registered house sale were not proved.

Khurram Rasheed v Ch. Haider Zaman and others | Supreme Court of Pakistan | 26 March 2026

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The ruling

The Supreme Court of Pakistan held that a person who asks a court to cancel a registered sale deed for fraud, forgery or misrepresentation must prove the alleged wrongdoing with evidence. General accusations and a denial that the deed was voluntarily executed do not, by themselves, transfer the initial burden of proof to the purchaser. Applying that principle, the Court allowed Khurram Rasheed's appeal, set aside the appellate and High Court decisions, and restored the trial court's dismissal of the suit.

The judgment was delivered on 26 March 2026 in *Khurram Rasheed v Ch. Haider Zaman and others*, C.P.L.A. No. 4211/2023. Justice Naeem Akhter Afghan wrote for a bench that included Justice Jamal Khan Mandokhail. The decision concerns the evidence in this particular transaction; it does not make every registered deed immune from challenge.

How the dispute arose

Ch. Muhammad Anwar owned a house in Rawalpindi. He sued his grandson Khurram Rasheed in 2001 to cancel a registered sale deed dated 21 August 2000. He alleged that family members had used his age and impaired eyesight to obtain his signature at the registration office on a deed for the house when he believed he was signing papers for a different two marla plot. He said no sale price had been paid. After his death, some heirs continued the claim.

The defendants maintained that the house had been sold for Rs 650,000, that the seller had appeared before the Sub-Registrar, and that the transaction had been voluntary. The trial court heard witnesses and dismissed the suit on 29 September 2011. The first appellate court reversed that result in January 2012, and the Lahore High Court dismissed the purchaser's revision on 26 September 2023. The purchaser then came to the Supreme Court.

These were rival accounts of the sale. The Supreme Court's task was to assess whether the plaintiffs had proved the fraud, forgery or misrepresentation that formed the basis of their requested declaration and cancellation.

Article 117 and the burden of proof

The Court relied on Article 117 of the Qanun-e-Shahadat Order, 1984: a party seeking a judgment on a legal right dependent on asserted facts must prove those facts. The plaintiffs were asserting that an otherwise registered transaction was tainted by fraud or forgery. The initial evidentiary burden therefore rested on them.

The Court distinguished an allegation from proof. A pleading that a seller was elderly, had weak eyesight, signed under a mistaken impression or received no price identifies issues for trial. It does not establish those issues without convincing supporting evidence. A mere denial by the executant of a registered sale deed does not automatically oblige its beneficiary to disprove an unsubstantiated fraud claim.

The judgment cites *Mst. Nazeeran v Ali Bux* (2024 SCMR 1271) and *Muhammad Munir v Umar Hayat* (2023 SCMR 1339) on these evidentiary principles. This allocation of the initial burden is particularly important when a plaintiff seeks cancellation of a completed registered instrument.

Why the challenge failed on the record

The Court found that the plaintiffs had not produced a witness who established the alleged fraud, forgery or misrepresentation in execution of the house deed. On the other side, both marginal witnesses to the registered deed testified. The Court regarded their testimony, together with the statement of the defendants' attorney, as reliable and supportive of the transaction's genuineness.

There was also related litigation over a separate two marla property. Two suits challenging transactions concerning that plot on similar grounds had been dismissed, and that consolidated judgment had not been challenged further. The Court recorded that history as part of its review of the dispute. It did not substitute the result of the other cases for examination of the house sale evidence.

The Supreme Court concluded that the trial court had assessed the evidence and applicable burden correctly. In its view, the appellate and revisional courts had erred in overturning that result. The petition was converted into an appeal and allowed; the trial court decree dismissing the plaintiffs' suit was upheld.

What the judgment means in practice

In a suit to cancel a registered sale deed, counsel should identify the specific act said to constitute fraud or misrepresentation and the evidence that proves it: the circumstances of execution, contemporaneous documents, payment records, relevant medical evidence, and witnesses with direct knowledge. A pleaded absence of consideration or vulnerability of the seller requires proof on the record. The opposing party's deed and attesting witnesses should then be tested against that evidence.

Registration is significant evidence, but this ruling does not say that registration cures a proven fraudulent transaction. Nor does it impose a single mechanical proof rule for every dispute involving a deed. The result followed from the plaintiffs' failure to establish their pleaded allegations and the evidence the Court found credible in this case.

Read the complete eight-page judgment below. This commentary is independent legal analysis for general information; verify the court record and later treatment before citing it in proceedings.