

**FEDERAL CONSTITUTIONAL COURT OF PAKISTAN**  
(Original/Appellate/Advisory Jurisdiction)

**Present:**

JUSTICE AMIN-UD-DIN KHAN, CHIEF JUSTICE  
JUSTICE ALI BAQAR NAJAFI  
JUSTICE SYED ARSHAD HUSSAIN SHAH

**C.P.L.A.3602/2024**

*[against the order dated 25.04.2024 passed by the  
High Court of Sindh, Circuit Court Hyderabad in  
Constitution Petition No. D-235/2023]*

*Mehboob (deceased) through his Legal Heirs  
and others*

**...Petitioner(s)**

**Versus**

*Muhammad Ayoub Qureshi and others*

**...Respondent(s)**

For the Petitioner(s) : Mr. Muhammad Saleem Hashmi  
Quraishi, ASC

Respondent No.1 : In-person

Respondents No.2-4 : Nemo.

Date of Hearing : 01.04.2026

**ORDER**

**AMIN-UD-DIN KHAN, CJ.-** This petition was filed under Article 185(3) of the Constitution of Islamic Republic of Pakistan challenging the order dated 25.04.2024 (signed on 16.05.2024) passed by the Sindh High Court, Circuit Court Hyderabad, in Constitution Petition No. D-235/2023, before the Supreme Court of Pakistan, prior to the enforcement of the Constitution (Twenty-Seventh Amendment) Act, 2025. The petition arose from a judgment of the Division Bench of the High Court whereby the constitutional petition filed by the respondent was allowed. Upon fixation of the matter before the Supreme Court, notice was issued to the respondents and an interim injunctive order was granted. We have heard the learned counsel for the petitioner(s) as well as Respondent No.1 (decree-holder) who appeared in person.

2. Respondent No.1, being the decree-holder, invoked the constitutional jurisdiction of the High Court of Sindh by assailing the vires and legality of the order dated 22.11.2022, whereby the revision petition preferred by him was dismissed, as well as the

order passed by the court of first instance, i.e., the Executing Court. The learned Senior Civil Judge-V, Hyderabad, had dismissed an application filed by the decree-holder (Respondent No.1) under Sections 152 and 153 of the Code of Civil Procedure, 1908 ("CPC"), whereby he sought amendment/correction in the plaint, judgment and decree.

3. The Learned counsel for the petitioner(s) contends that the orders passed by the learned Civil Judge as well as by the Revisional Court were in accordance with law; however, the High Court, without any legal justification, set aside the said orders. The writ petition filed by the decree-holder (Respondent No.1) was allowed in disregard of the lawful rights of the petitioner, who is the judgment-debtor; therefore, the instant petition has been filed to challenge the judgment rendered by the High Court. He further argues that the application under Sections 152 and 153, CPC was moved by Respondent No.1 before the Executing Court, which lacked the jurisdiction to entertain and adjudicate upon such an application. Therefore, the orders passed by the Trial Court/Executing Court and the Revisional Court are in accordance with law, whereas the order of the High Court is legally unsustainable. He accordingly prays that leave be granted against the impugned order of the High Court, that the present petition be converted into an appeal, and that the same be allowed.

4. Conversely, Respondent No.1, appearing in person, submits that the correction of the decree was sought through a duly filed application under Sections 152 and 153, CPC. The said application, according to him, was erroneously dismissed by the Trial Court/Executing Court, and the revision petition filed thereagainst also met the same fate. He contends that the High Court has rightly appreciated the matter and has passed the impugned judgment strictly in accordance with law; therefore, he prays that the instant petition be dismissed.

5. Having considered the submissions advanced by the learned counsel for the parties and upon a careful perusal of the impugned order, it transpires that the only correction sought in the plaint, as well as in the judgement and decree passed in favour of Respondent No. 1, pertains to the description of the house number. The house number was inadvertently recorded as G/15

instead of the correct number G/45. The correction sought is confined merely to the substitution of the digit “4” in place of “1”, thereby reflecting the correct house number as G/45 instead of G/15. Apart from this clerical misdescription, all other particulars of the suit property, including its specifications, dimensions, and total area, remain identical and undisputed. Thus, the amendment sought is purely clerical in nature and does not entail any alteration in the identity, extent, or character of the suit property. The Section 152 of the CPC lays down that:-

"Clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from, any accidental slip or omission may at any time be corrected by the Court either of its own motion or on the application of any of the parties."

As far as the general powers to amend are concerned, Section 153 of the CPC lays down that:-

“ The court may at any time, and on such terms as to costs or otherwise as it may think fit, amend any defect or error in any proceeding in a suit; and all necessary amendments shall be made for the purpose of determining the real question or issue raised by or depending on such proceedings”.

6. The Supreme Court met with the similar situation in the case titled as “Muhammad Tufail Vs. Ghulam Farid and 4 others” (2000 S C M R 1035) where the court endorsed the order of High Court and leave was refused. The section 152 of the Code of Civil Procedure provides the court with the power to rectify clerical or arithmetical mistakes, or errors arising from an accidental slip or omission, in its orders or judgments. Such errors are inadvertent, unintentional, and do not affect the substantive rights or merits of the case. This section is pivotal in ensuring that legal documents accurately reflect the court's intentions and the parties' agreements. Reference may be given of "Muhammad Shahzad v. Khairati Khan and others", (1989 SCMR 189), "Haji Ishtiaq Ahmed and 2 others v. Bakhshaya and 7 others", (1976 SCMR 420), "Syed Saadi Jafri Zainabi v. Land Acquisition Collector and Assistant Commissioner", (PLD 1992 SC 472), "Koka Adinarayana Rao Naidu v. Koka Kothandaramayya Naidu and others", (AIR 1940 Madras

538) and "Muhammad Aslam Lone v. Additional District Judge", (PLD 2008 Lahore 373).

7. In the instant case, the learned counsel for the petitioner (judgment-debtor) was queried as to whether any objection to the said fact had been raised in the written statement, particularly in view of his contention that the decree related to a different property and that, after passing of the decree, an application under Sections 152 and 153 of the CPC was not maintainable. In response, the learned counsel was directed to read to paragraph 3 of the preliminary objections of the written statement, wherein it has been expressly admitted that the suit pertains to the very property which the defendant claims on the basis of a gift deed allegedly executed by the plaintiff in his favour. Upon further query, it was also conceded that in the said gift deed the property has been described as G/45. In these circumstances, it cannot be said that the defendant/judgment-debtor/petitioner was misled by the inadvertent mention of G/15 as the suit property in the judgment and decree, which was subsequently sought to be corrected through an application under Sections 152 and 153 of the CPC. It was also not disputed before the Court that the Executing Court was the same Court which had passed the original decree.

8. In the aforesaid circumstances, any technical objection cannot be permitted to impede the grant of equitable and lawful relief in the interest of justice. The petitioner has failed to make out a case warranting the grant of leave. Consequently, leave is refused and the petition stands dismissed with costs.

**CHIEF JUSTICE**

**JUDGE**

**JUDGE**

**Islamabad,**

01.04.2026

**APPROVED FOR REPORTING**

*RajaAhsan/-*