

*Order Sheet*  
**IN THE HIGH COURT OF SINDH KARACHI**  
**CP No.S-893 of 2025**  
*(Bankislami Pakistan Limited v. the Presiding Officer and 2 others)*

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<b>Date</b>	<b>Order with signature(s) of Judge(s)</b>
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1. For hearing of CMA No.8443/2023
2. For hearing of main case

**23.02.2026**

Mr. Faiz Durrani, advocate for the petitioner.

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Through this petition, the petitioner has called in question the orders dated 16.12.2021 & 02.04.2022 passed by the learned trial Court and the order dated 04.03.2023 passed by the learned Revisional Court in Civil Revision Application No.130 of 2022, wherein the application seeking the right to cross-examine the witnesses was declined.

2. Perusal of the record reveals that the application of the petitioner was declined on the ground that the same was filed by one Advocate and the supporting Affidavit was filed by another and despite the granting of several opportunities, counsel for the petitioner failed to cross-examine the witnesses. The notice of the application was given to the respondent through all modes, including publication, but they have failed to turn up; as such, service against the respondents has been held good.

3. Since the right of fair trial as articulated under Article 10A of the Constitution of the Islamic Republic of Pakistan, 1973, is recognized as a fundamental right of the party in civil and criminal matters. The purpose of cross-examination is to sift the grain from the chaff and in the absence of cross-examination, the evidence of the party cannot be properly appreciated. The grounds which led the Court below for the dismissal of the application were trivial in nature if placed in equity that of right to fair trial and could have been ignored by seeking a fresh affidavit from the party and was not sufficient ground to dismiss the application. As such, for the indulgence of this Court, a case to exercise powers of judicial review is made out.

4. Consequently, this petition is allowed. The orders dated 16.12.2021 & 02.04.2022 passed by the learned trial Court and the order dated 04.03.2023 passed by the learned Revisional Court in Civil Revision Application No.130

of 2022 are set aside. The application filed by the petitioner for cross-examination of the witnesses, is allowed subject to a cost of Rs.10,000/- to be paid to the Plaintiff in the Suit before trial Court. Office to send a copy of this order to the learned trial Court for compliance.

JUDGE

Nadir\*