FORM No. HCJD/C-121

ORDER SHEET

IN THE LAHORE HIGH COURT
LAHORE
Judicial Department

W.P. No. 56682 of 2025

Nasir Ali Ranjha **Vs.** Addl. District Judge, etc

Sr.No. of order/ proceedings	*Date of order/ Proceeding*	*Order with signature of Judge, and that of Parties' counsel, where necessary.*
	23.04.2026	Rana Mazhar Hussain, Advocate for petitioner. Mr. Majid Mahmood Mirza, Advocate for applicants-respondent Nos.3 to 5. Mr. Qamar Zaman Qureshi, Additional Advocate General Punjab, Faisal Anwar Minhas, Syed Ali Allow-u-Din, Mian Muhammad Umer Shahzad, Dr. Muhammad Azeem Raja, Ch. Imtiazullah Warriach, Muhammad Harris Jatt and Ahmed Anwar, Advocates. Mr. Qamar Hanif Ramay, Assistant Attorney General for Pakistan, Muhammad Shahif Malk, Sarmad Ahmad Ghani, Mirza Shaharyar Farhan Baig and Sheikh Faisal Sikandar Iqbal, Syed Imran Ehsan, Advocates.

C.M. No. 01 of 2026

This is an application for placing on record certain documents annexed with this application comprising of certified copies of order sheet showing the latest position of proceedings of the executing court, which in the interest of justice, is allowed subject to all just and legal exceptions.

MAIN CASE/WP No. 56682 of 2025

2. Through this petition, the petitioner, who is the judgment-debtor of the decree for recovery of maintenance allowance, etc. passed in favour of the respondents No.3 to 5 (***'Respondents'***) by the Family Court, Gujrat, challenges the order dated 26.07.2017 passed by learned executing court, Gujrat, whereby CNIC of the petitioner has been blocked. The said

order was called in question by the petitioner by filing an application for recall of said order which was dismissed vide order dated 16.12.2024 and appeal filed by the petitioner against the same before the learned Addl: District Judge, Gujrat, has been dismissed vide judgment dated 22.05.2025. All the aforementioned orders/judgments have been called in question by the petitioner by claiming that his CNIC could not be legally blocked in the proceedings for execution of decree against the petitioner.

3. On the other hand the learned counsel for respondents No.3 to 5 states that despite moving about freely, the petitioner is avoiding his appearance before the executing court in proceedings for execution of the decree, which necessitated in blockage of his CNIC, which order according to him is justified.

4. The perusal of the record shows that the petitioner was residing outside Pakistan when the order dated 26.07.2017 was passed by the executing court by ordering blocking his CNIC in exercise of powers vested in the executing court by section 51(e) of CPC. The operative portion of the said order is reproduced below for clarity:-

> *"It is contended on behalf of the decree holders that the property of the judgment debtor is attached but the auction proceedings could not be concluded, the attachment of the property of the judgment debtor may be extended. The request is genuine which is hereby accorded. Moreover, it is also contended that judgment debtor is residing abroad and being an influential person, he has not allowed the auction to be completed having source in his vicinity. It is prayed that the CNIC of the judgment debtor may be blocked. CNIC number of the judgment debtor has been produced. The judgment debtor voluntarily avoided the performance of the decree depriving*

his own kin from their right to maintenance and frustrating the judgment and decree of this Court. Therefore, while invoking jurisdiction under section 51-E CPC let an independent robkar be also issued in the name of Incharge NADRA Office, Gujrat for blocking the CNIC of the judgment debtor for enforcement of the decree and payment of maintenance allowance. The following fresh schedule of auction is issued as under;-

1. Publication of proclamation on 04-08-2017.

2. Affixation of proclamation and drum beat on public places as well as on attached property and affixation of proclamation in the court premises on 08-08-2017.

3. Auction on 01-09-2017.

4. Report on 08.09.2017.

To come up for awaiting of report of auction and blocking of CNIC for 08.09.2017."

5. The petitioner thereafter filed an application for unblocking his CNIC, which was dismissed on 16.12.2024 and the appeal filed by him to challenge the same has also been dismissed by learned appellate court on 22.05.2026. The said application was concurrently dismissed by both the said forums by observing that the petitioner had not mentioned in his application the date on which his CNIC was ordered to be blocked and said order had not been annexed with the application for unblocking the CNIC.

6. In a similar situation the Supreme Court of Pakistan in C.P.L.A.3744/2023 titled **Agha Abid Majeed Khan versus Idrees Ahmed and another** decided on 18.02.2026 had held that CNIC of the judgment debtor cannot be blocked while invoking the provision of Section 51 CPC as such mode could not be adopted by the court for execution of decree. For ready reference the operative portion of the said order is reproduced below:-

"Section 51 of the CPC sets out the various modes for execution of a decree. Clauses (a) to

> *(d) set out certain specific modes, none of which is relevant for present purposes. The final clause (e) then generally allows for the decree to be executed "in such other manner as the nature of the relief granted may require". This clause certainly confers the necessary flexibility and latitude as enables the executing Court to ensure that the decree is satisfied. However, it cannot obviously be stretched to the point where the order made in execution loses all contact with the statutory provision. In the case at hand the decree is simply a money decree on a summary chapter suit. We are not at all satisfied that such a decree would require or make permissible execution by blocking the CNIC of the judgment debtor by resort to S. 51(e). One might as well then (for instance) also allow the executing Court to order the blocking of utilities (such as electricity, water etc.) from the residence or workplace of a judgment debtor for execution of a money decree. While a robust approach should certainly be taken to ensure execution it cannot be so muscular (especially in the exercise of a general power of the nature conferred by clause (e)) as essentially deprives the judgment debtor of an essential aspect of living. The CNIC is not a luxury or a mere statutory requirement. In these times it has become essential to being able to carry on a normal way of life in the ordinary course. In our view, to curtail a judgment debtor from this is not the proper exercise of discretion or any statutory powers as, with respect, erroneously concluded by the learned High Court."*

7. Furthermore this Court in case titled **Hafiz Awais Zafar versus Judge Family Court and two others** (*PLD 2022 Lahore 756*), while dealing with the question of blocking of CNIC for execution of decree has observed as under:

> *"12. Let's now come to the National Identity Card. The National Database and Registration Authority Ordinance, 2000, provides for registration of all persons. Section 10 entitles every citizen to have the National Identity Card who has attained the age of 18 years and is registered under section 9. The Ordinance also makes provision for issuance of Pakistan Origin Cards (section 11), Overseas Identity*

Cards (section 12) and Alien Registration Cards (section 13). Section 19(4) stipulates that the cards issued under the Ordinance, including the National Identity Card, shall be the proof of his identity as could be established from the contents of such card.

13. Subsections (1) and (2) of section 19 of the Ordinance specify a few circumstances when the National Identity Card is compulsorily required. These include grant of passport, permit or other travel document for going out of Pakistan and identification of a voter at various elections. Section 19(3) empowers the Federal Government to specify any other purpose for which the production of any card issued as aforesaid shall be necessary. However, the need for the CNIC has increased manifold during recent years. In Muhammad Umar v. Federation of Pakistan, through Secretary, Ministry of Interior, Islamabad and 2 others (PLD 2017 Sindh 585) the Sindh High Court observed that now almost every government and private organization requires CNIC from a person before they attend him. "It is not possible to get higher education, apply for a job, open a bank account, get a driving licence or arms licence, get utility connections, purchase railway and air tickets, execute any instrument, stay in a hotel or lodge, appear in a court proceedings and enter in certain building and premises without production of CNIC." In this backdrop it can be legitimately argued that the CNIC is essential for enjoyment of a number of fundamental rights guaranteed by the Constitution. Hence, a person cannot be deprived of it without due process.

14. Section 18(1) of the Ordinance stipulates that all the cards issued by NADRA, including the CNIC, shall be the property of the Federal Government and it may cancel, impound or confiscate it by an order after giving a show cause notice to the holder. Section 18(2) enumerates the circumstances in which it may take such an action. It reads:

(2) An order under subsection (1) cancelling, impounding or confiscating a card may be made only if there is reason to believe that–

(a) the card has been obtained by a person who is not eligible to hold such card, by posing himself as eligible;

(b) more than one cards have been obtained by the same person on the same eligibility criteria;

(c) the particulars shown on the card have been obliterated or tampered with; or

(d) the card is forged.

15. Inasmuch as cancellation, impounding or confiscation of CNIC impacts the fundamental rights of a person, the provisions of section 18 of the Ordinance must be strictly construed and scrupulously followed. Any order passed or action taken on a consideration other than those stipulated therein cannot sustain.

16. In the present case, the Executing Court has passed the Impugned Order dated 04.06.2021 without taking section 18 of the Ordinance into consideration. The said section does not allow blocking/ digital impounding of the CNIC of a person to compel him to appear before the court.

17. I am fully aware of the fact that the courts frequently direct digital impounding of the CNIC because it is an effective means to secure presence of a person. Sometimes it even impels a fugitive from law to surrender. Notwithstanding the benefits, this cannot be permitted because it does not have the sanction of law. Such orders are contrary to Article 175(2) of the Constitution and the concept of rule of law. The Federal Government may, therefore, propose the Parliament to amend the Ordinance.

Disposition

18. In view of what has been discussed above, this petition is accepted. The Impugned Order dated 04.06.2021 is declared to be without legal authority and set aside."

8. While keeping in view the principles laid down in the aforementioned judgments it is declared that CNIC is a document, which shows/proves identity of a person that cannot be taken away from

him without following the due process of law and the Provisions of Section 51(e) of the CPC cannot be interpreted in the matter that it would permit blockage of CNIC in execution of a decree and resultantly it is declared that the CNIC of the petitioner cannot be blocked in execution of a decree passed by the family court against him, therefore, the order to the extent of blockage of his CNIC is not sustainable. As far as the subsequent orders passed by the courts whereby both the courts refused to recall/set aside the order of blockage of CNIC on the ground that the petitioner had not mentioned the date when the order of blockage of CNIC was passed and that a copy of the said order was not placed on the record, it is sufficient to observe that despite the fact that the said orders were passed on the basis of available record, the same do not advance the cause of justice and therefore without further commenting upon the legality of the same, it is observed that the said orders are sketchy and petitioner should have been directed to place a copy of the order dated 26.07.2017 on the file before passing further orders on his application and appeal. However, as the order of blockage of CNIC is not sustainable in view of the judgments referred hereinabove, no useful purpose would be served by remanding the matter to the trial/executing court or the appellate court for decision afresh, hence by setting aside the order dated 16.12.2024 and judgment dated 22.05.2025 on the aforesaid grounds, the impugned order dated 26.07.2017 only to the extent of blockage of CNIC of the petitioner is ***set-aside***. The CNIC of the petitioner shall be restored forthwith. However, the petitioner shall face the remaining

proceedings for execution of the decree, which shall proceed on its own merits in accordance with law. The observations recorded in this order shall not be treated as an impediment in the way of any party to seek remedy available under the law. With these observations, the instant constitutional petition stands ***disposed of***.

(Muzamil Akhtar Shabir)
Judge

Zeeshan Khan*/naveed*

APPROVED FOR REPORTING:

Judge