

Pakistan (38)

29/3-00

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From: Catherine William (Abdul Hannan)
To: THEODORO
Date: 2/9/00 3:36pm
Subject: As per your request

Civil Court System in Pakistan

The civil courts in Pakistan are pretty fair. The litigants have the constitutional right to be represented and defended by an attorney in the court. No one should be condemned unheard is the sine qua non of civil jurisprudence in Pakistan. The law in Pakistan provides right of appeal to both the parties: plaintiff as well as defendant. The petitioner may move the court of Senior Civil Judge against the decree of a Civil Judge. The power of High Court may be invoked if a party feel aggrieved or is not satisfied from the judgement of the District Judge. The Supreme Court of Pakistan also entertain petition of civil nature against the judgement of High Court in case the suit property exceeds the value of Rs.50,000.

When the disputant has right of defence and appeal in hierarchical order, chances of unreasonable judgement are ruled out. When the suit is decided and the parties have either exhausted their right of appeals or reluctant to pursue the case further execution of decree begins. The party found guilty during litigation has to pay the damages. S/he will be intimated by the court of its decision mentioning specific time limit and the amount to be paid. If the judgement - debtor (party who has to pay the damages) is unable to pay en mass, the court may order to pay the damages in instalments. If the judgement - debtor fails to appear after few court notices, arrest warrant may be issued against him so that he may be brought before the court to show cause why he failed to appear before the court and pay the damages to the aggrieved party.

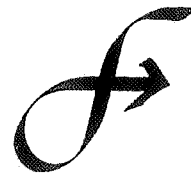
He may be detained for 15 days by the arresting authorities or release him on furnishing security to the satisfaction of the court to enable him to pay the damages according to Order XXI Rule 40 (3) of Civil Procedure Code of Pakistan. If he fails to pay in this period he will be sent to prison according to court order. This is, however, the last resort.

The maximum term of civil imprisonment is one year according to Section 55 (1) of Civil Procedure Code of Pakistan. The damages may be recovered from judgement - debtor's land as arrears. In case the judgement- debtor has no property he may declare himself insolvent. In general the civil court eschew issuing arrest warrant and imprisonment in civil suits unless the judgement - debtor overlook the court's order in toto.

Mian Niaz Ali Shah
Advocate
(Protection Assistant)

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11 FEB. 2000

Antal bilag

Aktnr.

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Att.: Sussi Martin

Dato
09-02-00

DF J.nr.

Vor ref.
EVGC/

Deres ref.
1-71-103.129 + 1-71-025.018

Kære Sussi Martin,

Hermed fremsendes som aftalt UNHCR's svar af 9. februar 2000 vedrørende det civile retssystem i Pakistan.

Med venlig hilsen

Eva Green
Asylafdelingen

Kopi sendt til Udlændingestyrelsen, 3. asylkontor og Advokat Bjørn Elmqvist

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