

Safeguarding Diaspora Equity: The Jurisprudence of Mr. Justice Jawad Hassan and the Legislative Evolution of Overseas Property Rights in Pakistan

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Abstract

The geographic constraints faced by Overseas Pakistanis render them uniquely susceptible to property expropriation, fraudulent conveyances, and the sheer attrition of protracted civil litigation. Historically, the state's response was heavily reliant on administrative facilitation, a paradigm that proved structurally inadequate in the face of organized land syndicates exploiting loopholes in the Code of Civil Procedure, 1908. The Punjab Establishment of Special Courts (Overseas Pakistanis Property) Act, 2025 marks a move from executive discretion to specialized judicial enforcement. This article critiques Mr. Justice Jawad Hassan's Lahore High Court judgment in Javed Masih v. Amar Javed (2026) and examines the structural innovations of the 2025 Act. It considers the theoretical tension between transnational capital and local extractive institutions, interrogates the constitutional harmonization of procedural affirmative action with the equality clause, and reviews the judiciary's hardening stance on collateral civil attacks. This paper contextualizes Justice Jawad Hassan's jurisprudence in the broader constitutional debates on due process and the separation of powers, and argues that the 2025 Act is a complex but necessary judicial stabilization of expatriate equity.

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1. Introduction: The Crisis of Distance and Dispossession

Property disputes in Pakistan have been a localized war of attrition for a long time. Diasporic remittances are often used to underwrite the macroeconomic architecture of developing countries. In Pakistan, these financial injections are an essential pillar of national economic stability. The State Bank of Pakistan reported that remittances from overseas reached a record \$38.3 billion in the fiscal year 2024-2025, forming the absolute bedrock of

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the country's foreign exchange reserves.³ This reliance is routinely echoed by global financial institutions in their structural assessments of the region.⁴

However, the socio-legal contract between the state and the Overseas Pakistani is characterized by a profound paradox. The state apparatus is quick to use transnational liquid capital to cover domestic trade deficits, but the domestic legal architecture has not been ready to protect the physical assets, mainly real estate, bought with that same capital.

The failure makes diaspora investments become what institutional economists have famously called 'dead capital assets' that cannot be securely held, legally transferred, or leveraged because of deep structural flaws in the surrounding institutional frameworks.⁵ Recognizing this systemic asymmetry, Pakistan's judicial and legislative branches have recently initiated a massive recalibration.

A recent judgment of the Lahore High Court in the case of Javed Masih v. Amar Javed (2026), authored by Justice Jawad Hassan, provides a useful perspective for legal academics to assess this trajectory in toto.⁶ The judgment strongly reaffirms the strict procedural protections embedded in the newly enacted Punjab Establishment of Special Courts (Overseas Pakistanis Property) Act 2025 and importantly, provides a firm legal shield against local litigants seeking to undermine settled judicial decrees through parallel civil proceedings.

1.1 Research Objectives

The objective of this study is to unravel the changing legal landscape of expatriate property rights in Pakistan. The objectives are three-fold:

The first is to critically appraise the structural innovations introduced by the 2025 Act and compare its fast-track mechanisms with the historical failures of standard civil procedure.

Secondly, to examine the ways in which the apex judiciary in Pakistan reconciles the constitutional right to equality (Article 25) with the pragmatic need for procedural affirmative action for overseas citizens.

Third, to examine the specific legal tactics, such as forum shopping and collateral civil attacks, employed by local syndicates to subvert specialized justice and how judges are currently neutralizing these threats on the ground.

1.2 Methodology

To dissect these complex issues comprehensively, this study employs a doctrinal legal research framework supplemented heavily by a socio-legal approach. It is essential not just to read the black-letter law in a vacuum, but to understand how it lives, breathes, and fights back against entrenched local practices in the courtroom.

³ State Bank of Pakistan. (2025). *Annual report on the state of the economy 2024-2025*. Karachi: SBP.

⁴ Asian Development Bank. (2024). *Asian Development Outlook (ADO) April 2024*. Manila: ADB. See also International Monetary Fund (2023). *Pakistan: Country report on economic stability and structural reforms*.

⁵ De Soto, H. (2000). *The mystery of capital: Why capitalism triumphs in the West and fails everywhere else*. Basic Books.

⁶ *Javed Masih v. Amar Javed*, Writ Petition No. 2345 of 2026 (2026 LHC 4221).

The primary data sources are statutory instruments; specifically, the Punjab Establishment of Special Courts (Overseas Pakistanis Property) Act, 2025, and the Code of Civil Procedure, 1908; alongside binding appellate jurisprudence. This study adopts a teleological approach to statutory interpretation of the 2025 Act, treating it as a direct and reactive legislative response to the historical failures of the traditional legal system. The principal case study is the Lahore High Court judgement in Javed Masih v. Amar Javed, which provides a continuing insight into the tension between the new special laws and the old civil procedures.

2. Literature Review: Capital vs. Institutions - The Theoretical Tension

To understand why the 2025 Act was needed, it is necessary to understand the socio-legal environment into which it entered. The scholarship surrounding overseas property rights in Pakistan sits at the intersection of migration sociology, institutional economics, and post-colonial legal studies. By reviewing what the academic community has established regarding diaspora vulnerability, the specific gap that the new Special Courts attempt to fill becomes remarkably clear.

2.1 Dual Embeddedness and Institutional Arbitrage

The vulnerability of the overseas demographic is fundamentally tied to geographic dislocation. Sociologists of migration note that transnational communities exist in a state of "dual embeddedness".⁷ They participate heavily in the economy of their homeland while physically residing thousands of miles away.

This physical absence creates massive information asymmetries and provides lucrative opportunities for localized actors to engage in what socio-legal scholars term "institutional arbitrage." Localized land syndicates exploit the massive gap between the statutory legal protections written on paper and the sluggish, easily manipulated enforcement mechanisms that exist in practice.⁸ Globally, nations heavily reliant on remittances have attempted to bridge this gap through varying institutional frameworks, though few have adopted measures as coercive as Pakistan's recent legislative leaps.⁹

2.2 The Sociology of 'Qabza' and Extractive Institutions

When diaspora wealth enters a poorly regulated domestic property market, it naturally attracts predation. Detailed ethnographies of rural and peri-urban Punjab extensively map the phenomenon of the Qabza group (land mafias).¹⁰ This body of research demonstrates that these groups are not simply scattered criminals; they operate as highly organized syndicates deeply embedded within local patronage networks. They frequently act in quiet collusion with

⁷ Levitt, P. (2001). *The transnational villagers*. University of California Press.

⁸ World Bank. (2020). *Islamic Republic of Pakistan: Leveling the playing field-Systematic country diagnostic*. Washington, DC: World Bank Group.

⁹ Agunias, D. R., & Newland, K. (2012). *Developing a road map for engaging diasporas in development*. International Organization for Migration (IOM) and Migration Policy Institute (MPI).

¹⁰ Martin, N. (2015). *Politics, landlords and Islam in Pakistan*. Routledge.

local police, revenue officials, and lower-court practitioners who know exactly how to manipulate archaic land records.

Academics drawing on institutional economics describe such systems as "extractive institutions".¹¹ These are legal and economic frameworks designed or manipulated to benefit a localized elite who understand how to maneuver within the system, leaving foreign or disenfranchised actors to suffer inevitably.

2.3 The Academic Critique of the Civil Justice System

Critical legal scholarship has long targeted the colonial-era Code of Civil Procedure, 1908 (CPC), as the primary enabler of this predation. Leading critiques of Pakistan's legal system argue heavily that the CPC is archaic, highly formalistic, and structurally prone to endless delays.¹² It was conceptually designed for a localized, agrarian society where litigants were expected to be physically present.

The ease with which opposing counsel can secure endless adjournments under standard procedural law, coupled with the sprawling nature of evidentiary trials governed by the Civil Procedure Code, renders Overseas Pakistanis prime targets for adverse possession.¹³ When an expatriate investor purchases real estate, they frequently entrust the property to local caretakers or proxies. Over time, these caretakers manipulate property registries, relying on the sheer fact that the true owner cannot afford the time or money required to fly back to Pakistan for dozens of successive court hearings spread across several years.

2.4 Identifying the Research Gap

While extensive literature details the systemic failures of the traditional civil courts, there is a distinct gap regarding the state's recent pivot toward specialized judicial enforcement. Earlier Pakistani scholarship analyzed the previous 2014 Overseas Pakistanis Commission, universally concluding that it functioned well as an administrative facilitation desk but lacked judicial teeth. Very little academic work has yet analyzed the transition from administrative facilitation to hard, coercive judicial power through specialized property courts. This paper fills that precise gap by examining the structural innovations of the 2025 Act.

3. The Regional Paradigm: Diaspora Property in the SAARC Context.

To fully appreciate the innovations of the 2025 Act, it is crucial to situate Pakistan's legal struggle within the broader regional context of South Asia. Neighboring nations within the South Asian Association for Regional Cooperation (SAARC) that are similarly reliant on migrant labor and diaspora remittances have wrestled with the same phenomenon of expatriate property expropriation.

In India, for instance, the state of Punjab, which boasts one of the highest

¹¹ Acemoglu, D., & Robinson, J. A. (2012). *Why nations fail: The origins of power, prosperity, and poverty*. Crown.

¹² Siddique, O. (2013). *Pakistan's experience with formal law: An alien justice*. Cambridge University Press.

¹³ The Code of Civil Procedure, 1908 (Act V of 1908) and the Specific Relief Act, 1877 (Act I of 1877) form the traditional basis of civil property litigation. Their reliance on physical appearances systematically disadvantages absentee owners.

concentrations of Non-Resident Indians (NRIs) in the world, faced a crisis of land grabbing identical to that of Pakistani Punjab. In response, the Indian state legislature enacted the Punjab State Commission for Non-Resident Indians Act in 2011.¹⁴ However, the Indian model heavily prioritized administrative and advisory facilitation over hard judicial power. The NRI Commission in India was empowered to investigate complaints and advise state agencies. Still, it lacked the authority to independently issue eviction decrees, attach property, or bypass the Indian Civil Procedure Code in final adjudications. Consequently, while it served as an effective pressure group, determined land mafias could still drag NRIs into standard, decades-long civil litigation.

In this comparative SAARC context, the Punjab Establishment of Special Courts (Overseas Pakistanis Property) Act, 2025, of Pakistan, makes for an extremely aggressive legislative leap. By completely circumventing the administrative ombudsman model and directly establishing high-speed, coercive judicial tribunals, Pakistan has moved further than its regional neighbors in granting hard, enforceable judicial equity to its diaspora.

4. The Limits of Administrative Redress and the Separation of Powers.

Before arriving at this specialized judicial model, Pakistan also attempted and exhausted the administrative route. In 2014, the Punjab Overseas Pakistanis Commission Act was passed by the provincial assembly to establish a special commission (OPC) to address complaints, liaise with government agencies and speed up the resolution of disputes relating to expatriates.¹⁵

While heralded as a breakthrough at its inception, the OPC suffered from a fatal structural flaw: it functioned essentially as an ombudsman. It fundamentally lacked the coercive, binding authority of a court of law. It possessed no powers of civil contempt. The Commission had to resort to requesting local police stations or revenue officials to cooperate against the powerful syndicates, and these officials have traditionally been susceptible to political and financial pressures from local mafias. Hostile parties could ignore the OPC's summons without immediate legal consequences.

The constitutional restrictions inherent in the OPC were laid bare and judicially defined in *Muhammad Yaqoob v. Commissioner Lahore Division* (2021).¹⁶ In a historic decision, the Lahore High Court clearly delineated the scope of executive power, holding that the Commission does not have the power to usurp judicial functions to resolve private civil disputes. The Court underscored that the adjudication of property rights of third parties is a sovereign judicial function that is vested solely with the judiciary under Article 175 of the Constitution of the Islamic Republic of Pakistan, 1973.¹⁷

This rigid jurisprudential boundary necessitated a deep legislative reconfiguration. If administrative agencies were constitutionally precluded from issuing binding property

¹⁴ The Punjab State Commission for Non-Resident Indians Act, 2011 (Act 33 of 2011) (India).

¹⁵ The Punjab Overseas Pakistanis Commission Act, 2014 (Act XX of 2014).

¹⁶ *Muhammad Yaqoob v. Commissioner Lahore Division*, 2021 CLC 392 Lahore.

¹⁷ Constitution of the Islamic Republic of Pakistan, 1973, Art. 175. See also *Government of Sindh v. Shafi Muhammad Tariq*, PLD 1990 SC 1092.

decrees, the legislature was forced to devise specialized judicial forums with such competence. This metamorphosis squarely conforms with the broader constitutional imperatives set forth in *Mehram Ali v. Federation of Pakistan* (1998), where the Supreme Court insisted that any specialized tribunal constituted to dispense justice must function strictly within the supervisory jurisdiction of the High Courts, entirely free from the executive.¹⁸ The 2025 Act emerged precisely from this constitutional vacuum.

5. The Anatomy of the 2025 Act: Due Process versus Procedural Attrition.

In *Javed Masih v. Amar Javed*, Justice Jawad Hassan conducted a detailed statutory interpretation of the Act. The Court took a teleological approach and extensively relied on the preamble of the statute in an effort to identify the true legislative intent. The Court pointed out that the main purpose of the Act is the total eradication of procedural attrition,¹⁹ citing well-established jurisprudence of the Supreme Court, namely the decision in *Director General, FIA v. Kamran Iqbal* (2016), which states that preambles serve as an essential navigational aid in identifying the mischief that a law seeks to remediate. A reading of the statutory language of the 2025 Act shows a departure from the traditional civil procedure, which is concerned with the timely delivery of justice and not with prolonged discovery.

5.1 Temporal Rigidity and Appellate Discipline

Section 9 of the Act imposes an absolute ninety-day statutory cap for the disposal of a petition from the date leave to defend is granted, while aggressively restricting adjournments to a maximum of seven days.²⁰ To deter the classic litigation tactic of deliberate stalling, Section 9(2) empowers the tribunal to compel a respondent to furnish financial security if proceedings drag beyond this ninety-day threshold.

Strict appellate discipline under section 10, which requires appeals to the High Court to be filed within fifteen days and disposed of within ninety days, further reinforces temporal rigidity. Crucially, Section 10(2) dictates that the mere admission of an appeal does not operate as an automatic stay on the lower court's decree. Even more severely, Section 10(6) dictates that if an appellate court does grant a stay order, that order automatically lapses upon the expiry of two months.²¹ This provision completely neutralizes the primary tactic used by property occupiers: securing a stay order and letting the appeal languish on the docket for years.

5.2 Automatic Execution: Bypassing Order 21 of the CPC

Perhaps the most substantive, and theoretically debated, innovation is found in Section 11, which abolishes the traditional requirement for a separate execution petition.²² Historically, under the CPC, winning a civil suit is only a pyrrhic victory; executing that

¹⁸ *Mehram Ali v. Federation of Pakistan*, PLD 1998 SC 1445.

¹⁹ *Director General, FIA v. Kamran Iqbal*, 2016 SCMR 447.

²⁰ The Punjab Establishment of Special Courts (Overseas Pakistanis Property) Act, 2025, s. 9.

²¹ *Ibid.*, s. 10. By capping appellate stays to two months, the legislature neutralized a primary tactic used by property occupiers.

²² *Ibid.*, s. 11.

decree requires a secondary, equally agonizing legal process under Order 21, where judgment debtors routinely file endless objections to drag the execution process out for decades.

Section 11(1) of the 2025 Act destroys this bottleneck. It dictates that a suit automatically converts into execution proceedings exactly fifteen days after a decree is issued, without the need for the decree holder to file any new applications. Furthermore, Section 11(3) explicitly authorizes the Special Court to requisition police directly and law enforcement assistance to enforce the eviction, bypassing the historically sluggish local execution apparatus.

5.3 Pre-emptive Asset Protection and Piercing Benami Transactions

Section 12 grants these specialized courts expansive, pre-emptive powers to attach property, appoint receivers, and transfer possession at the very inception of a suit to prevent the alienation of the asset.²³ Significantly, Section 12(2) explicitly permits the Special Court to pierce proxy transactions, locally known as benami.

The Benami Transactions (Prohibition) Act, 2017, provides a highly complex, multi-tiered framework for investigating and confiscating properties held in the names of proxies. Previously, uncovering a fraud involving an overseas property would require years of parallel bureaucratic investigations. By bringing the power to deal with these proxy transfers directly within the Special Court's jurisdiction, the legislature gave the judges the power to cut through layers of fraudulent ownership in a single, unified proceeding.

5.4 Digital Integration and Evidentiary Modernization

Perhaps the most direct legislative response to the geographic dislocation of the diaspora is found in the evidentiary rules of the Act. Section 5 mandates the Lahore High Court to establish rules for e-filing, allowing cases to be initiated digitally.²⁴

More importantly, Section 8 completely overhauls the recording of evidence. Recognizing the impossibility of flying back for cross-examinations, Section 8(5) and 8(6) mandate the court to arrange for video-link testimonies. Critically, the law stipulates that this evidence is to be kept under the official supervision of the relevant Pakistani High Commission, Embassy or Consulate abroad. By legally validating remote, diplomatically supervised testimony, the Act effectively collapses the thousands of miles separating the expatriate from the courtroom.

5.5 The Due Process Conundrum

While these sweeping provisions are undoubtedly effective, they invite vigorous academic scrutiny over Article 10A of the Constitution, which guarantees the right to a fair trial. The foundational jurisprudence of the Supreme Court, in particular in *Al-Jehad Trust v. Federation of Pakistan* (1996), mandates that procedural safeguards are uncompromisable pillars of the legal system.²⁵ The statutory mandate for automatic execution and heavily

²³ *Ibid.*, s. 12.

²⁴ *Ibid.*, s. 5.

²⁵ *Al-Jehad Trust v. Federation of Pakistan*, PLD 1996 SC 324.

compressed evidentiary timelines risks compromising the safeguards traditionally afforded to resident defendants. The jurisprudential test over the next decade will be how the judiciary balances this expeditious relief for the diaspora against the risk of summary prejudice to legitimate domestic citizens, ensuring that speedy justice does not devolve into hasty injustice.

6. Constitutional Validity: Affirmative Action and Intelligible Differentia.

At the same time, the creation of any specialized tribunal has always been fraught with a perennial theoretical tension relating to the compatibility of its powers with the equal protection under the law guaranteed in Article 25 of the Constitution. Providing expatriates with a streamlined procedural forum necessitates a rigorous constitutional analysis to determine whether this disparity violates the equality clause, as regular citizens must still navigate the cumbersome machinery of the CPC and the Limitation Act, 1908.

In Javed Masih, Justice Jawad Hassan navigated this potential constitutional crisis by laying out a logical sequence of precedents. In earlier jurisprudence, such as *Tahir Mirza v. Saleha Mehmood* (2019) and *Tanvir Chishti v. City Police Officer* (2020), the High Court took a highly cautious stance, holding that Overseas Pakistanis do not constitute a legally superior caste and are not entitled to substantive preferential treatment under the fundamental laws of the land.²⁶

But this equality does not mean absolute uniformity. Pakistani constitutional law has long accepted the doctrine of reasonable classification, most famously explained in the landmark case of *I.A. Sherwani v. Government of Pakistan* (1991).²⁷ In the case of *Haji Muhammad Yunis v. Mst. Farukh Sultan* (2022), the Supreme Court progressed this doctrinal basis to develop its interpretation of diaspora rights.²⁸ The apex court recognized that expatriates are at a disadvantage due to their geographical and logistical constraints. They are a different class because they are unable to physically pursue their rights with the same agility and local networking as resident citizens.

Significantly, this classification is founded on an "intelligible differentia" which has a direct and rational nexus with the object of the law, which is the securing of property rights. Thus, the creation of special procedural forums for Overseas Pakistanis does not infringe Article 25, but is a constitutionally permissible procedural affirmative action to make a level playing field that is inherently uneven. The rationale for this was heavily relied upon by the High Court in Javed Masih case to uphold the aggressive mechanics of the 2025 Act and further the principle that equity sometimes requires special procedures to achieve substantive equality.

7. The Jurisprudential Footprint of Mr. Justice Jawad Hassan

It is hard to divorce the legal analysis of the 2025 Act from the intellectual and administrative architecture laid down by Justice Jawad Hassan over the years. Justice Hassan's tenure on the bench reflects a consistent judicial philosophy that seeks to balance

²⁶ *Tahir Mirza v. Saleha Mehmood*, 2019 YLR 2852 Lahore ; *Tanvir Chishti v. City Police Officer*, PLD 2020 Lahore 453.

²⁷ *I.A. Sherwani v. Government of Pakistan*, 1991 SCMR 1041.

²⁸ *Haji Muhammad Yunis v. Mst. Farukh Sultan*, 2022 SCMR 1282

macroeconomic imperatives with strong constitutional safeguards. Recognizing the critical importance of judicial security for foreign investment, remittances from the diaspora, and commercial capital, Justice Hassan has consistently pushed for the establishment of specialized courts in various legal domains.²⁹

Justice Hassan played a key role in establishing legal safeguards for expatriates prior to the 2025 Act. His tenure on specialized Constitutional and Commercial benches provided him with direct exposure to the procedural obstacles faced by the diaspora. The Punjab Commercial Courts Ordinance, 2021, which introduced expedited timelines to attract corporate investment, reflects the impact he had on its design. Recognizing the structural failures of the 2014 OPC Act, the Lahore High Court, with administrative foresight, established an Overseas Pakistanis Cell (OPC-LHC) to monitor and expedite such cases.

His judicial philosophy is firmly rooted in a progressive interpretation of the Constitution. During academic addresses on the Constitution, Justice Hassan has articulated that the true strength of the fundamental rights framework lies in empowering the people through Article 4, which guarantees the right of individuals to be dealt with strictly in accordance with the law.³⁰ He translated this academic philosophy into binding jurisprudence in *Javed Masih v. Amar Javed*. He made it clear that while overseas citizens have to adhere to the laws of the land under Article 5, the State too is duty-bound to provide them with effective legal protection mechanisms that have not been structurally diluted across geographic distance.

8. Collateral Attacks and the Egregious Abuse of Procedural Law

To operationalize this macro-level judicial philosophy, one has to confront the systemic abuse of local legal systems head-on. The factual matrix of *Javed Masih v. Amar Javed* perfectly illustrates the egregious lengths to which organized land syndicates will go to subvert judicial authority, attempting to exploit the very procedural loopholes that Justice Hassan's jurisprudence seeks to close.

The dispute was about a very lucrative commercial property in Bahria Town Rawalpindi. The respondent Amar Javed, an Overseas Pakistani had a legally registered sale deed of 2017, registered under the Registration Act, 1908. Years later, the petitioner Javed Masih, procured a legally dubious allotment letter and aggressively initiated litigation in the local Rent Court under the Punjab Rented Premises Act, 2009, to secure physical possession.

Under Section 13 of the 2025 Act, all pending suits involving an overseas Pakistani must be automatically transferred to the newly formed Special Courts.³¹ Upon this statutory intervention, the Special Court meticulously reviewed the titles, set aside the lower rent order, and directed the petitioner to restore possession to the expatriate owner.

²⁹ Hassan, J. (2021). "Role of Judiciary and Jurisprudence in Domestic and International Arbitration," delivered at the Asian Development Bank Knowledge Events.

³⁰ Hassan, J. (2023). "The Constitution of Pakistan: Lessons for the Next 50 Years," delivered at the Institute of Policy Studies (IPS).

³¹ The Punjab Establishment of Special Courts (Overseas Pakistanis Property) Act, 2025, s. 13.

In response, the petitioner engaged in a calculated campaign of forum shopping. After his appeals to the High Court failed, he quietly approached a standard Civil Court, obtained an *ex parte* judgment behind the expatriate's back, and brandished this new decree before the Special Court to block the execution of the eviction order. He deliberately ignored the fact that the civil court had already suspended its own *ex parte* decree upon an application under Section 12(2) of the CPC from the expatriate.

To understand the sheer audacity of this maneuver, one must contextualize the historical abuse of Section 12(2). Introduced into the CPC to prevent endless, separate civil suits based on fraud, the statute dictates that any person challenging the validity of a judgment on the plea of fraud must apply directly to the very court that passed the judgment. While conceptually a sound anti-fraud measure, Section 12(2) has been notoriously weaponized by judgment debtors in Pakistan.³² Historically, malicious actors have frozen executions indefinitely by filing endless, frivolous applications alleging vague fraud at the eleventh hour, exploiting the very safeguards designed to ensure fair trials.

Justice Hassan's dismissal of this maneuver was unequivocal and decisive. The Court emphatically ruled that rights crystallized through final judicial determinations, especially those that have survived rigorous appellate scrutiny in the High Court, cannot be eclipsed by subsequent *ex parte* decrees obtained in parallel, collateral proceedings. The judgment strictly curtails the rampant weaponization of the High Court's supervisory jurisdiction under Article 199 of the Constitution.

The Court has ruled explicitly that constitutional petitions cannot be used to revive suspended *ex parte* decrees, nor can they be utilized to grant judicial imprimatur to the gross abuse of procedural law. The ruling punishes forum shopping and, in effect, shuts down these collateral routes, denying predatory land syndicates the procedural oxygen that they have historically relied on to keep diaspora properties in illegal possession.

9. Conclusion and Future Implications.

The decision of Justice Jawad Hassan in *Javed Masih v. Amar Javed* (2026) constitutes an important point of stabilization in domestic property law. By firmly upholding the statutory framework of the Punjab Establishment of Special Courts (Overseas Pakistanis Property) Act, 2025, the Lahore High Court has ratified a legislative model finally commensurate with the pace and sophistication of predatory property syndicates. By surging ahead of the administrative failures of the ombudsman model and institutionalizing high-speed judicial power buttressed by digital modernization, Pakistan has created a new template for diaspora protection within the SAARC region.

The judgment formally establishes the principle that while the substantive rights of all citizens are fundamentally equal, the state has the constitutional power to confer procedural equity on its diaspora through affirmative legal action. The strict application of the Act, coupled with the High Court's categorical refusal to admit collateral civil attacks, should in the future greatly reduce the rate of attrition in diaspora litigation.

³² The Code of Civil Procedure, 1908, s. 12(2).

However, this jurisprudential journey requires continued theoretical and practical refinement. As these Special Courts gain public confidence and international visibility among the diaspora, they face the imminent threat of a docket explosion. If tens of thousands of expatriates flood these tribunals with complex, historical disputes spanning decades, the courts risk replicating the very delays they were designed to circumvent. Furthermore, the constitutionality of Section 11's automatic execution clauses may inevitably invite further appellate scrutiny regarding fair trial parameters at the Supreme Court level.

Beyond the courtroom, the practical success of this legislation will hinge entirely on overcoming administrative friction; specifically, ensuring that local law enforcement agencies faithfully and swiftly execute these specialized judicial directives against entrenched local actors. Ultimately, the long-term success of this legislative experiment will depend on the judiciary's ongoing commitment to executing these laws not just with unprecedented speed, but with the meticulous fidelity to equitable justice championed by Justice Jawad Hassan.

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