

Selected Significant & Reported Judgments Conducted Before the High Courts

Nouman Muhib (Kakakhel)

Advocate High Court

<u>Serial No.</u>	<u>Case Number</u>	<u>Title</u>	<u>Date of Decision</u>	<u>Advocacy Lead by</u>	<u>Reported/ Unreported/ Citation</u>	<u>Court</u>	<u>Dicta Laid down</u>
1.	Writ Petition No. 6182-P of 2024	Abdul Haseeb vs Government of Khyber Pakhtunkhwa	21.04.2026	Nouman Muhib Kakakhel	Reported 2026 PHC 2579	Peshawar High Court, Peshawar	The High Court held that assessment in interviews is a subjective function of the expert Selection/Interview Committee, and the Court, while exercising constitutional jurisdiction, cannot act as an appellate forum to reassess interview performance or substitute its own opinion. Mere allegations of mala fides, without concrete evidence, are insufficient for judicial interference. The Court further observed that absence of a detailed record of interview questions and answers does not invalidate the recruitment process.
2.	Writ Petition No. 2469-P/2022 Along-with 120 cases	Noreen Masood vs Federation of Pakistan	01.12.2024	Nouman Muhib Kakakhel For all the Petitioners	Reported 2024 KPLJ 303	Peshawar High Court, Peshawar	Afghan Refugees in Pakistan do not require a valid passport and visa to get Pakistan Origin Card (Permanent residency), on basis of marriage, their Refugee cards i.e. Afghan Citizen Card (ACC) or Proof of Registration (POR) should be considered for grant of POC. Demand of a valid Passport and Visa from refugees was declared to be harsh and unconstitutional.
3.	FAO No. 449-P/2024 & FAO 105-2025	Aftab Ahmad etc vs Nosheen Tabassum etc Saifullah Muhib vs Ombudsperson	31.10.2025 Ditto	Nouman Muhib Kakakhel	Reported 2025 PHC 8350	Peshawar High Court, Peshawar	The Ombudsperson under the Khyber Pakhtunkhwa Enforcement of Women Property Rights Act, 2019 has limited and summary jurisdiction. The Act does not empower the Ombudsperson to decide intricate questions of law and fact, adjudicate title disputes, or grant actual (physical) possession of immovable property in cases of joint ownership. “Possession” under the Act, in cases of joint property, can at best be treated as symbolic possession, and actual possession cannot be ordered without lawful partition by a court of competent

							jurisdiction. The Ombudsperson cannot direct delivery of possession against co-sharers, particularly without impleading all co-owners, as such orders would be illegal, perverse, and against settled principles of law. Furthermore, the Ombudsperson lacks jurisdiction where a matter is pending before or has already been decided by a civil or family court. She cannot stay civil proceedings, reopen decided matters, or assume jurisdiction parallel to competent courts. Any dispute involving title, partition, or pending litigation must be resolved by the appropriate judicial forum before recourse to the Ombudsperson can be considered.
4.	Writ Petition No. 4283- P/2024 (90 cases)	Qasim Khan vs Federation of Pakistan	31.05.2025	Nouman Muhib Kakakhel In all connected petitions.	Reported Citation awaited	Peshawar High Court, Peshawar	Citizenship by Descent & Doubtful Citizenship i. Section 19 of Citizenship Act, 1951 interpreted and it was declared that all those who prove to be a citizen of Pakistan by descent be issued citizenship of Pakistan even if they have refugee card or Citizenship of another Country ii. Women can have dual citizenship of Pakistan and any other country if they are married to a Pakistani Citizen or citizen of another country iii. Children born to Pakistani and foreign spouse can retain both citizenships till the age of 21 and thereafter they have to opt for either of them. iv. Pakistan Origin Card be issued to husbands of Pakistani women.
5.	Writ Petition No. 4256-	Muhammad Naeem vs Govt of Khyber	22.09.2022	Nouman Muhib Kakakhel	Approved for reporting	Peshawar High Court, Peshawar	Declaration of installation of Cell Towers/ BTS Towers/ Mobile Antennas near residential areas, schools, hospitals and inside public parks were directed to be removed by the Environmental Protection

	P/2018 Connected: W.P 2885-P/2021	Pakhtunkhwa etc Connected: Dr. Khalid Shah vs Govt of Khyber Pakhtunkhwa		For Petitioner in Dr Khalid Shah vs Federation of Pakistan With Permission of the Court as the counsel was not enrolled as Counsel of the High Court(s) by then.	Citation awaited		Agency as it did not conform with the requirements of Pakistan Telecommunication Authority, Environmental Protection Agency as well as the International Health Standards.
6.	Writ Petition No. 535-P/2023	Dr. Ammer Khan Jadoon	13.09.2023	Nouman Muhib Kakakhel	Unreported	Peshawar High Court, Peshawar	Writ Petition is not competent against Public Sector Companies under Corporate Governance Rules. Appointment matter of Chief Executive Officer of Khyber Pakhtunkhwa Oil & Gas Company Limited
7.	Criminal Appeal No. 1705-P/2023	Abdullah Khan & Others vs The State	11.11.2024	Nouman Muhib Kakakhel	Unreported	Peshawar High Court, Peshawar	The Court maintained the conviction and sentence of fine and Daman in a hurt case where the complainant's right ear was bitten off. It was held that sentencing the accused to imprisonment as Tazir would require proof that the accused were previous convicts, hardened or desperate criminals, or that the offence was committed on the pretext of honour. Consequently, the appeal seeking acquittal was dismissed, and the criminal revision for enhancement of sentence to imprisonment as Tazir was also dismissed.
8.	Criminal Appeal No. 882-P/2021	Raheela gillani vs The State & Others	15.11.2023	Nouman Muhib Kakakhel	Unreported	Peshawar High Court, Peshawar	Appeal against acquittal was dismissed by the Court in a Murder case (Qatl e Amd) by extending the benefit of "Double Presumption of innocence once acquitted by court of competent jurisdiction".
9.	Criminal Appeal No. 480-P/2025	Zeeshan vs The State	27.11.2025	Nouman Muhib Kakakhel	Unreported	Peshawar High Court, Peshawar	Accused was charged for paddling of Narcotic Substance. He was convicted and sentenced to life imprisonment. His conviction was set-aside and he was acquitted of the charges

							levelled against him by extending him benefit of doubt.
10.	Bail Application No. 1748-P/2025	Nadir Shah & Others vs the state	04.06.2025	Nouman Muhib Kakakhel	Unreported	Peshawar High Court, Peshawar	Accused were charged under Control of Narcotics substance for possessing prohibited narcotics
11.	Writ Petition No. 2793-P/2016	Sarhad Development Authority vs Govt of KP	12.06.2024	Nouman Muhib Kakakhel	Unreported	Peshawar High Court, Peshawar	Vires of Khyber Pakhtunkhwa Taking Over of Industrial Estates or Economic zones Ordinance, 2016 was under question. The Court declared the law to be intra Vires of the Constitution of Pakistan
12.	Writ Petition No. 4028-P	Dr. Fouz ullah vs Govt of KPK	18.02.2025	Nouman Muhib Kakakhel	Approved for reporting Citation awaited	Peshawar High Court, Peshawar	Court ordered Meritorious promotion to petitioner a Doctor (Cardiologist) by profession to BPS-21 on proforma basis from the date of occurrence of the vacancy along-with all back benefits including retirement perks of BPS-21
13.	Regular First Appeal (Civil) RFA No.262-P/2020	Din Muhammad VS Muhammad Fahim	11.04.2025	Nouman Muhib Kakakhel	Not reported	Peshawar High Court, Peshawar	Recovery of amount on strength of a dishonored cheque. Court accepted the appeal and set-aside the judgment of trial court as the requirement of civil procedure code and negotiable instrument act were not complied with.
14.	Writ Petition No. 474-P/2025	Zakia Khatoon VS Women University Swabi	19.05.2023	Nouman Muhib Kakakhel	Not Reported	Peshawar High Court, Peshawar	New Rules of the University pertaining to awarding Gold Medal not to be applied retrospectively to graduated students of the University. Court directed the University to apply the old rules which were in force at the time of graduation of petitioner.
15.	Writ Petition No. 830-P/2023	Zainab Kiyani VS Registrar Peshawar High Court	26.06.2024	Nouman Muhib Kakakhel	Not Reported	Peshawar High Court, Peshawar	Court ordered Financial Package and Employment in District Judiciary for wife of Senior Civil Judge, Buner who died fulfilling his duties in COVID-19.
16.	Writ Petition	Amjad Khan Afridi &	18.03.2025	Nouman Muhib Kakakhel	Not Reported	Peshawar High Court, Peshawar	Court issued writ to the effect that use of mercury be stopped in Gold Mining which is injurious to the environment.

	No. 232-P/2025	Others VS Govt of Khyber Pakhtunkhwa					Local Administration was ordered to immediately stop illegal gold mining, and all mining operations where chemicals are being used which are hazardous to health and environment.
17.	Writ Petition No. 1939-P/2025	Syed Wahid Abass Naqvi vs Govt of Khyber Pakhtunkhwa	10.04.2025	Nouman Muhib Kakakhel	Not Reported	Peshawar High Court, Peshawar	It was held that, It is not the role of the courts to interfere in policy decisions unless it is manifest that such a policy decision is the outcome of arbitrary exercise of power, malafide, patently illegal or manifestly unreasonable. Court should not interfere in policy making domain of the executive authority.
18.	Writ Petition No. 596-P/2025	Target & Treat Aesthetic Clinic	19.06.2025	Nouman Muhib Kakakhel	Approved for Reporting and ordered to be circulated in Secretaries and KP Health Care Commission for enforcement and compliance Citation awaited	Peshawar High Court, Peshawar	Court held that assistant commissioner had exceeded his jurisdiction and violative constitutional protection given to petitioner by sealing the clinic premises and detaining their employees as it was the domain of Health Care Commission who has to authorize and permit before any such action is taken. It was held to be a misconduct and abuse of power and demanded prompt initiation of contempt proceedings and appropriate criminal liability if repeated.
19.	Regular First Appeal. RFA No. 364-P/2021	M/s Galaxy Broadcast (Pvt) Ltd vs PEMRA	03.11.2025	Nouman Muhib Kakakhel	Not reported	Peshawar High Court, Peshawar	Held that it was incumbent upon the TV Channel to provide the person against whom innuendo/defamatory allegations were aired in breaking news. The TV Channel was held to be guilty of misconduct and the order of PEMRA penalizing the channel was upheld.
20.	Writ Petition No. 1382-P/2024	Syed Muhammad Tanseer vs Federation of Pakistan	19.09.2024	Nouman Muhib Kakakhel	Not Reported	Peshawar High Court, Peshawar	The case was disposed of in light of the Government's notification and advisory mandating zero tolerance for surrogate betting companies. The Ministry of Information and Broadcasting had strictly prohibited the promotion or advertisement of surrogate betting entities and directed immediate termination of all related

							agreements. Observing violations during live broadcasts, the authorities instructed strict compliance, investigation into non-compliance, and enforcement actions by PEMRA, PCB, PTA, and PTV, including possible cancellation of landing rights and blocking of illegal betting platforms. In view of these clear directions and enforcement measures, the matter stood resolved.
21.	Review Petition No. 30- M/2025	State Life Insurance Corporation of Pakistan vs Shahid Hussain Orthopedic & General Hospital	09.09.2025	Nouman Muhib Kakakhel	Approved for reporting Citation awaited	Peshawar High Court, Swat	Held that: Powers of review can only be exercised where there is a discovery of new fact or evidence, or when some mistake or error apparent on the fact of record is found. A review petition is not maintainable unless a self evident error, apparent on the face of the record, or a new and important fact is shown. Otherwise the courts deliberate and final judgment on fact or law cannot be reopened.
22.	FAO No. 75-P/2025 And 13 others	Tariq Iqbal vs The Stations Staff Officer	22.12.2025	Nouman Muhib Kakakhel	Not reported	Peshawar High Court, Peshawar	Held that: A Lis should not be knocked out in vacuum and a fair opportunity has to be provided to it to establish a right as agitated in the lis by allowing the parties to participate in the process, the court gains a more comprehensive understanding of the facts to uphold the principles of fairness and impartiality.