



WHEN JUSTICE FAILS AT FIRST INSTANCE: AN APPELLATE ANATOMY OF VOID JUDGMENTS IN PAKISTAN'S LOWER JUDICIARY

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Abstract

Judicial blunders pose the greatest threat to the integrity, equity, and efficacy of the legal system, and I set out to analyze these from as many angles as possible, categorizing them into ten distinct but related themes: blunders pertaining to jurisdiction, violations of fundamental rights, deficiencies of due process, and the absence, or misinterpretation, of evidence; law, one error, or record; coram non judicium; the abuse or surrender of jurisdiction; the finding of malafide/perspective ambiguity, the providing of unreasoned conclusions, and the lack of legal finality or the breach of statutory bars. Most of these, such as the error of domicile or subject-matter jurisdiction, violations of the right to due process, and the imposition of unreasoned, arbitrary, or selective bias, entail the violation of at least one of the judicial themes I suggested/identified. The judicial arena is encouraged to reconsider and redefine its role within the system as these inconsistencies (or errors) go far beyond mere technical or administrative issues, operational errors, or administrative oversight. These inconsistencies (or errors) touch each individual within the judicial ecosystem; lawyers, judges, court administrative staff, policymakers, regulators, and the like. The study's contribution to judicial accountability, compliance with procedure, and bolstered legal reasoning is in identifying and classifying judicial errors.

Keywords: *Judicial Errors, Legal Procedures, Fundamental Rights, Jurisdictional Lapses, Evidentiary Evaluation, Judicial Accountability, Procedural Compliance, Reasoned Judgments*

1. Introduction

In Pakistan's judiciary system, subordinate courts are at the base of the hierarchy which is the first-instance court for civil, criminal, and constitutional issues (Ali, Syed, and Haiqing, 2025). These courts function under some statutes and sets of procedures which the higher courts, such as the High Courts, and the Supreme Court, can alter, strike down, or review for the sake of the legal and constitutional adherence (Ahamed, 2025). Pakistan's judiciary, as part of the constitution, safeguards against the lapses of procedure, the absences of jurisdiction, and violations of fundamental rights through the process of appellate review (Assefa, 2024). Although, subordinate courts decide cases on the lower end of the judicial hierarchy, these cases are reviewed and even overturned by higher courts which raises concerns in the national judicial system's efficiency, competence, and other institutional issues, such as inadequate judicial training, poor legal reasoning, and deficient procedural



compliance (Mahmood, 2021). These judicial review alterations of court decisions can have wide-ranging negative consequences on the public, judicial system, litigants, and confidence in the judiciary to deliver justice (Shoukat, 2025). In Pakistan, in order to understand why higher courts, void the decisions of lower courts, these issues must be addressed systematically.

More recent studies show lower court decisions being overturned by higher courts in Pakistan. As per the Annual Judicial Statistics Report, for the Supreme Court of Pakistan, 2022, 28% of lower court civil and criminal judgments received an overturning appeal (Supreme Court of Pakistan, 2022). Likewise, Chaudhry and Malik (2021) stated that over 30% of High Court provincial court interventions stem from an absence of valid jurisdiction, procedural defects, or failure to adhere to claims (Gondal & Khalid, 2024). There is a clear pattern of lower court decisions being unable to sufficiently meet the quality requirements of higher courts which suggest systemic problems in the lower judiciary (Yong, 2024). Besides, empirical studies indicate that specific types of cases, such as civil property disputes, administrative cases, and minor criminal cases, tend to be annulled the most resulting from lack of jurisdiction and/or procedural defects (Yong, 2024). Such empirical evidence highlights the pressing need for a comprehensive study of the causes that lead to a decision being annulled. Understanding the underlying patterns of such decisions can provide a basis for judicial reforms and the development of the judicial system.

Although the lower judiciary is very important for the administration of justice, a substantial proportion of its decisions are annulled or set aside by higher courts (Mugamba & Mugamba, 2025). This generates a certain amount of legal uncertainty, and, more importantly, it erodes the trust of the public in the courts, even more so when it becomes necessary for the parties to undertake additional appeals, traverse further delays, and incur additional costs (Ferreira, Gromova, & Titova, 2024). The literature describes some causes of this alienation of lower courts as being of an operational, cognitive, or educational/statutory nature (Chlevickaitė, Holá, & Bijleveld, 2020). Nevertheless, describing legal voidance in a more comprehensive framework is still a rarity (Chakravarty, 2023). This vacuum of knowledge is bad because it at best leaves the policymakers and the legal and training institutions blind to how they are to improve the recording of decisions and the performance of the judiciary (Khan, Shabbir, Mustafa, Shabbir, & Sheikh, 2025). Thus, the study intends to address this gap by providing an analysis of these issues, both from a procedural and a substantive standpoint, and in addition from the contexts of volume and complexity of cases and institutional support (Wolf, 2021).

In contrast, previous studies on Pakistan's judiciary, however, have been very general, looking at areas such as judicial activism, constitutional interpretation, and the higher courts' enforcement of the rule of law (Mangi, Magsi, & Ali, 2025). Though these studies have explored the issue of appellate oversight, they have not been concerned with the systemic reasons for the nullification of lower court verdicts (Imran, Idrees, & Saeed, 2024). The majority of the available literature either engages with the major pronouncements of the Supreme Court or provides merely descriptive accounts with little or no empirical analysis of High Court's activism and its impact on the lower courts' (Jatoi, Mustafa, & Kataria, 2022). There is also a lack of attention on the lower courts' procedures, structures, and the statutes in the jurisdiction of lower courts, which lead to the annulment of judgments (Muhammad, Khan, & Shahid, 2024). Such a gap is addressed here by systematic categorizing of factors that lead to judgments that are nullified, pairing this with doctrinal and case law analysis, as



well as empirical research, to better articulate the difficulties faced by the subordinate judiciary (Shamshad, Sarwar, & Arshad, 2022).

The fact that this study tackles the problem most disruptive to the administration of justice in Pakistan (the annulment of lower court decisions) is what makes it important. By pinpointing the factors and understanding the causes of the problem of void judgments, this study aims to foster judicial productivity, lessening the clog in the litigation stream, and boosting the public's trust in the justice delivery system (Hussain & Habib, 2024). The stakeholders at whom the results will be pointed, policymakers, judicial training bodies, and practitioners, will be focusing on the system and the processes, as identified, that will benefit from a more refined approach (Gondal, Ahmad, Hatta, Imtiaz, & Hasnain, 2023). In addition, this study, having classified and examined these factors, will be providing a framework for the necessary reforms, proposals for training and supervision that will be built on the evidence to ensure the secure and unvarying delivery of justice (Bilal & Khokhar, 2021). Most importantly, this study is an advocacy for the rule of law, consolidation of the lower judiciary, and the promotion of the right to equal and unhindered access to justice for all (Reayat, Farid, Khan, & Shah, 2021).

The study is structured in the following manner: Chapter 2 offers an extensive review of the literature on judicial review, annulled judgments, and the procedural inefficiencies of the subordinate judiciary. Chapter 3 outlines the research methodology, which includes the doctrinal approach, criteria for case selection, and the strategies for the collection and analysis of data. Chapter 4 provides the results and analysis, including the principal and secondary themes of the factors concerning voided decisions of lower courts. Chapter 5 is devoted to the discussion, practical implications, and limitations of the study, as well as the outlines for future research.

2. Literature Review

In Pakistan, the judicial review system where higher courts oversee lower courts is designed to maintain legal consistency, fairness in processes, and the overall rule of law (Baig, Laghari, Abbas, & Naeem, 2024). In Pakistan's judicial system, the High Courts and the Supreme Court hold the power to review and overturn decisions made by lower courts. This power includes addressing issues related to improper judicial processes, absence of judicial authority, and breaches of the rights embodied in the Constitution (Ali, Shakoor, Khan, Qureshi, Ullah, Shah, & Haider, 2024). The involvement of the higher judiciary is crucial to protect the litigants' rights and preserving the legal system's credibility, especially in scenarios where lower courts go beyond their jurisdiction or misuse the law (Niaz, 2020). The prevailing viewpoint among legal scholars is that the need for frequent annulment of lower court decisions showcases the two-fold need for supervision at the appellate level, as well as the systemic issues plaguing the lower judiciary, including lack of proper training, and faulty/inefficient application of legal processes (Shahid, 2021). The consequences of annulments of decisions by lower courts also greatly affect the entire legal process; create delays, increase costs for litigants, and erode public faith in the judicial system (Ali & Alam, 2021). The issues related to judicial review in Pakistan are more so important to pinpointing shortcomings in lower tier courts and formulating strategies to improve the performance and dependability of the judiciary (Qaiser, Warraich, & Jamil, 2025).

Numerous interconnected elements have been recognized in the literature regarding the reversal of lower court decisions in Pakistan. Absence of any of the three types of



jurisdictions (territorial, pecuniary, or subject matter) represents a consistent reason why higher courts annul the decision (Munir & Noreen, 2020). Also, important, in the same context, are the errors of a procedural nature, such as the improper service of notices, disregard of the rules of evidence, disregard of statutory time frames, and errors in the keeping of the record (Biswas, 2020). A number of authors contend that the, often, insufficient knowledge among the judiciary, overwhelming workloads, and ambiguity or inconsistency in the applicable law contribute to such likelihood, and, as a result, more appellate levels are involved (Ahmed & Safder, 2020). Moreover, the quality of the decisions and the risk that they may be annulled by the higher courts are negatively affected by the administrative shortcomings of the courts, such as the absence of timely case management, the insufficient provision of clerical staff, and the lack of uniformity in the operating procedures among the courts in a given jurisdiction (Ranjah, 2021). Additionally, Lourens Yong (2024) points out that the more intricate the case is, the higher the pressure on the judge due to the number of cases, and the less likely they are to have undergone further legal training in the rules of the profession, the more likely they are to commit errors that can lead to the annulment of a judgment. All of the aforementioned suggests that annulled decisions, in most instances, stem from a multitude of factors as opposed to a single factor, and that the factors are procedural, institutional, and human in nature, and relate to and/or are the result of the lower level of the judiciary (Ali, Syed and Haiqing, 2025).

However, the past studies have analyzed reasons pertaining to lower courts in Pakistan, but gaps still exist which need to be filled to understand the reasons lower court decisions are declared void more completely. Some studies concentrate on Supreme Court rulings, some on the doctrine, and many others on the lack of empirical analysis of appellate activity in the provincial and district courts (Ahamed, 2025). Some researchers look at the lack of jurisdiction, while others study the error procedures. Very few studies the combined effect of the structural and other contextual components such as the lack of work, the level of institutional support, and the absence of legal training (Assefa, 2024). Additionally, studies are sparse with respect to the types of cases, such as the civil, criminal, or administrative domains, and the void of cross-domain studies hampers the greater use of the findings in the realm of judicial reform (Chakravarty, 2023). Mahmood (2021) seeks to analyze and categorize as many systems as possible to record the various patterns of systems. The research is directed to the goal of providing recommendations which will be quite useful to the policymakers, the courts of training, the judiciary, and the practitioners of the law. Such studies are more than important and meaningful in the regard of streamlining and reforming the lower judiciary by making the appraisal of the work more of a safe and rare activity to be done; and the system in place to be fully functional and working.” (Shoukat, 2025).

3. Methodology

To understand the reasons behind the annulment of lower court rulings by higher courts in Pakistan, this research will use qualitative, doctrinal legal research methodologies. An example of this type of research may include the constructive engagement of the relevant legal texts, in this case, the statutes, rules of procedure, and judicial decisions from which one may derive the principles/laws, patterns, and reasoning that the courts may have employed (Gondal & Khalid, 2024). The author of this research intends to assess the reported judgments of the High Court and the Supreme Court of Pakistan for the past decade and determine the instances in which the lower court judgment was nullified, and will look for the



reasons of the judgment being nullified for the court being incompetent, the court having no authority as provided by the statute, and for the court failing to exercise its authority (Wolf, 2021). Each case will be thematically coded, in order to identify thematically coded patterns, and will use as a primary coding structure the qualitative coding framework that identifies and classifies reason(s) to be the court's lack of authority, either by geography/subject matter, lack of process, discretionary/interpretive inaction by the court, and inefficiency within the administration (Mangi, Magsi, & Ali, 2025). A comparative analysis, when warranted, will include a review of the case law in relation to the other common law jurisdictions, India and the United Kingdom, in order to situate Pakistan's systems of appellate review and comparative theory, and to identify the process(s) and system(s) that are structurally different from one another (Imran, Idrees, & Saeed, 2024).

Apart from analyzing case law, this research also uses the findings from empirical primary research involving some key informants such as practicing lawyers, judges, and court staff, as a complement to the findings from doctrine. Respondents will be identified through purposive sampling, focusing on the specific target of having over five years of working experience as judges in the lower or appellate court, so as to obtain pertinent and comprehensive information (Muhammad, Khan, & Shahid, 2024). The researcher will administer semi-structured interviews to determine the reasoning and describe the problems related to the adjudication of cases which lead to the annulment of lower court decisions, and the scope and impact of the lower court decisions, as well as the existing appellate review. The responses will be thematically coded in addition to the doctrinal responses, within the fused paradigm, to the main and sub-themes which account for the higher court's reasons for nullifying the lower court's decisions. This mixed methodology will determine the construct validity, and the phenomena will be studied in detail through the phenomenon in the integrated method (Shamshad, Sarwar, & Arshad, 2022). The respondents were asked the following questions.

- Can you describe your experience working in subordinate or appellate courts in Pakistan?
- How frequently do you encounter cases where lower court decisions are annulled?
- In your view, what are the main reasons that lower court decisions are declared void by higher courts?
- How do jurisdictional issues, procedural lapses, or errors in legal interpretation contribute to annulments?
- What challenges or limitations in the lower judiciary contribute to annulled judgments?
- How does workload, case complexity, or administrative support affect decision quality?
- Have you observed differences in appellate practices in other countries (e.g., India or UK) that could be instructive for Pakistan?
- What reforms or training interventions could reduce the frequency of voided decisions?

4. Results and Analysis

The table outlines the scope of judicial mistakes in detail coupled with the ten main themes and their respective sub themes. The initial group comprises "Lack of Jurisdiction" and "Violation of Fundamental Rights" and describes mistakes which have a bearing on the



authority of the courts and the entrenchment of the right of the individual. Jurisdictional mistakes such as lack of territorial, pecuniary, or subject matter jurisdiction, or the assuming of jurisdiction when law is misconstrued demonstrate instances when the judges overreach and act outside their lawful domain. Rights violations such as denial of a fair trial, arbitrary judicial act, and decision making which takes away a person's freedom, equality before the law is not protected, and judicial impotence handi ngs also demonstrate how central the judiciary is in guaranteeing the protection of the Constitution. Collectively, these themes indicate that with regard to the exercise of judicial authority, there is no end to the injustice which may arise in the breach of the fundamental rights, so the legally and constitutionally ordained limits must be observed strictly.

The disparate themes grouped as "Non-Compliance with Mandatory Legal Procedures," "Misreading or Non-Reading of Evidence," and "Errors of Law Apparent on the Face of the Record" reflect the different types of procedurals, evidentiary, and legal shortcomings that impact on the quality and fairness of the judicial outcome. Such procedural shortcomings as the absence of clear and mandatory legal steps, the issue being insufficiently framed, the hearing being denied, and orders being made without the notification of the concerned parties, can produce outcomes that are legally correct but substantively or disproportionately unfair. Furthermore, issues of evidence, such as the overlooking of important evidence, the consideration of irrelevant facts, the drawing of conclusions without substantiation, and the partial consideration of evidence, impede the attainment of justice. Incorrect application of the law, non-compliance with the binding precedents, and the use of law that is revoked, not applicable, or outdated are some of the additional issues that diminish the judicial pronouncement's effectiveness and reliability. ED thesec assorted issues: procedural, evidentiary, and legal lead to the undermining of confidence bestowed upon the justice system. Since law and evidence are the twin pillars, these themes remind of us to be especially careful as we approach them.

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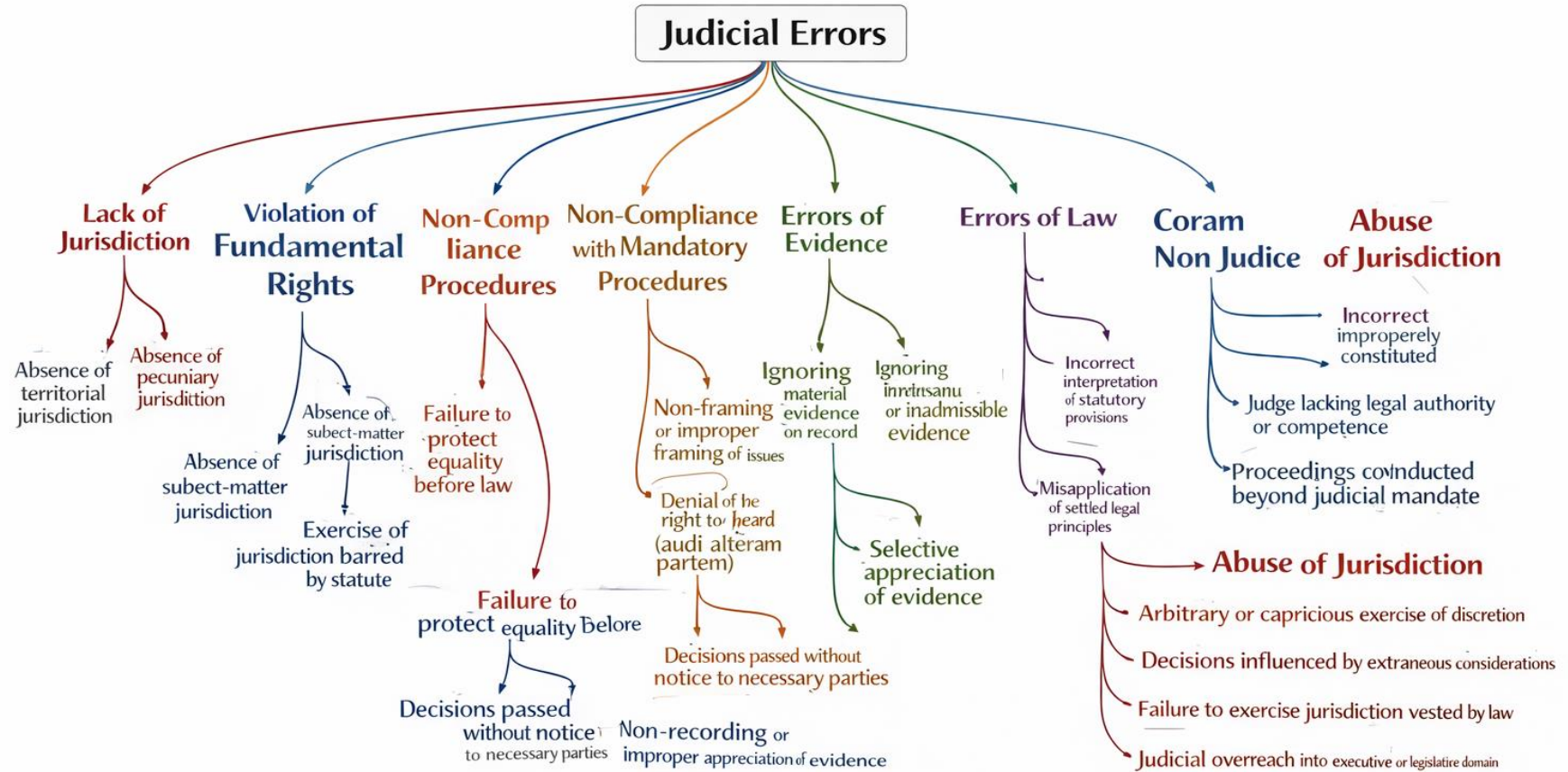
Table-I: Themes Descriptions

Sr.	Main Theme	Sub-Categories / Sub-Themes
1	Lack of Jurisdiction	<ul style="list-style-type: none">• Absence of territorial jurisdiction• Absence of pecuniary jurisdiction• Absence of subject-matter jurisdiction• Exercise of jurisdiction barred by statute• Assumption of jurisdiction through misinterpretation of law
2	Violation of Fundamental Rights	<ul style="list-style-type: none">• Denial of right to fair trial and due process• Arbitrary or discriminatory exercise of judicial power• Decisions infringing personal liberty• Failure to protect equality before law
3	Non-Compliance with Mandatory Legal Procedures	<ul style="list-style-type: none">• Failure to follow mandatory procedural requirements• Non-framing or improper framing of issues• Denial of the right to be heard (audi alteram partem)• Decisions passed without notice to necessary parties• Non-recording or improper appreciation of evidence
4	Misreading or Non-Reading of Evidence	<ul style="list-style-type: none">• Ignoring material evidence on record• Reliance on irrelevant or inadmissible evidence• Drawing conclusions not supported by evidence• Selective appreciation of evidence
5	Errors of Law Apparent on the Face of the Record	<ul style="list-style-type: none">• Incorrect interpretation of statutory provisions• Ignoring binding precedents of superior courts• Misapplication of settled legal principles• Application of repealed or inapplicable laws
6	Coram Non Judge Proceedings	<ul style="list-style-type: none">• Court improperly constituted



	<ul style="list-style-type: none">• Judge lacking legal authority or competence• Proceedings conducted beyond judicial mandate• Decisions rendered after expiry of judicial authority
7 Abuse or Excess of Jurisdiction	<ul style="list-style-type: none">• Arbitrary or capricious exercise of discretion• Decisions influenced by extraneous considerations• Failure to exercise jurisdiction vested by law• Judicial overreach into executive or legislative domain
8 Malafide or Perverse Findings	<ul style="list-style-type: none">• Findings based on bad faith• Decisions reflecting bias or prejudice• Conclusions so unreasonable that no prudent person could reach them• Use of judicial power for improper purposes
9 Failure to Provide Reasoned Judgments	<ul style="list-style-type: none">• Absence of reasoning or speaking order• Cryptic or non-speaking judgments• Failure to address material arguments raised by parties• Lack of judicial application of mind
10 Violation of Statutory Bars or Legal Finality	<ul style="list-style-type: none">• Ignoring statutory limitation periods• Reopening matters barred by res judicata• Passing orders contrary to express statutory prohibitions• Entertaining non-maintainable proceedings





Violation of Statutory Bars

- ↳ Ignoring statutory limitation periods
- ↳ Reopening matters barred by res judicata
- ↳ Passing orders contrary to express statutory prohibitions
- ↳ Entertaining non-maintainable proceedings



5. Discussion

As noted in the analysis of the survey, the intricacies of the various types of judicial error span across the different dimensions of jurisdictional mistakes, procedural, evidential, and evaluative authority. The absence of territorial, pecuniary, or subject-matter jurisdiction, and violations of the right to judicial protections, signal that the self-restraint of the judiciary fails or, on the contrary, is entitled to non-violation of the dictates of the Constitution or judicial protections (Hussain & Habib, 2024). The procedural error of failing to comply with a provision of the law, misleading of the issues, non-judicial hearing, non-recording of the evidence, etc. portray that the judicial systems reliance on the systems and processes has much to do with the systems integrity. The ignoring or misinterpretation of evidence, inappropriate reliance on the provision of law, and the absence of cited authority demonstrate the tenuous balance of exercise of judicial authority and the potential for capricious, arbitrary, or legally indefensible outcomes (Bilal & Khokhar, 2021). The absence of procedural and legal misjudgments points to an even broader absence of rational, honest, and self-restraint authority of the judiciary. Coram non iudice proceedings, and findings made in bad faith or with perversion, and without due reasoning, indicate misapplication of judicial power because of lack of competence, bias, or negligence (Niaz, 2020). Likewise, ignoring statutory bars and legal finality, such as bringing back to life matters that are justiciably closed and time-barred, erodes predictability and the trust of the public in the legal system (Shahid, 2021). All these related issues show that the errors of the judiciary are not the result of a mere technicality, rather they signal the deficiency of accountability, transparency, and the rule of law. In order to correct these errors, there need to be further changes to processes, additional instruction, and more strenuous efforts in the area of oversight and review mechanisms to ensure justice is done (Ali & Alam, 2021).

5.1. Practical/Managerial Implications.

The results of this research provide a strong foundation on which to build improvements to judicial and legal administrative practices and the administration of justice more broadly. By systematically detailing and describing the judicial errors: jurisdictional mistakes, missing procedural steps, incorrect evidence, and a lack of justified decisions, this study results in a road map which judicial decision makers can improve accountability, transparency, and decision-making in the objectives of the three pillars of justice (as detailed in the research). From the results, attorneys can better tailor the framing of their case, address procedural failures, evidence gaps, and protect their clients' legal rights. Judges will also benefit from knowing the judicial errors described in the study which highlights adherence to the law, exercise of discretion to sustain justice, and reasonable evidence for judgments to include the law. Outside the legal field, the study results also benefit court administrators, legal systems analysts, legislators, and justice policymakers. Court administrators and legislators, for example, will be able to construct and improve training, procedural, and oversight adjustments to decrease the incidence of judicial mistakes. The framework can be used by legal scholars to explore the systemic variables affecting the quality of the judiciary, while the regulators can formulate guidance or oversight tools to monitor adherence to rules, evidence, and lawyering standards. This study is useful to stakeholders by identifying the fundamental sources of judicial mistakes and points of improvement, and is geared toward fostering a more expeditious, dependable, and equitable judiciary.



5.3. Limitations and Avenue for Further Studies

The study is comprehensive in explaining the different types of judicial mistakes, and the different ways in which the mistakes have been classified. However, it is limited in its focus on the mistakes that have been, in some way, documented. The mistakes that are undocumented or practiced mistakes that are theorized, are not covered. Moreover, the study describes and outlines different types of mistakes; however, it does not describe the mistakes in terms of how often they occur, or the cause and effects they have on the outcome of the cases. This describes the lack of ability to minimize the systemic risks. Future researchers have the ability to measure the different types of errors and the effects they have by way of case studies, surveys directed at practitioners of the law, and the application of different types of statistical analysis of the frameworks used in judgment. Further researchers could compare different judicial systems and assess the procedural changes that have been implemented, and examine the judicial training and technological aids that have been used to minimize errors. This would assist the judicial system in enhancing the quality and fairness of legal decision making.

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