

BEFORE THE DISCIPLINARY COMMITTEE
(Pakistan Bar Council)

Present

Justice Muhammad Ali Mazhar,	Chairman
Mr. Muhammad Ahsan Bhoon,	Member
Ch. Tahir Nasrullah Warraich,	Member
Mr. Naveed Akhtar,	Member

Disciplinary Complaint No.1204 of 2025

Abid Khurshid, r/o Bahawalpur ...Complainant

Versus

Ms. Samina Qureshi, Advocate, Bahawalpur ...Respondent

For the Complainant: In-person.

For the Respondent: In-person.

Date of Hearing: 14.02.2026

Order

Muhammad Ali Mazhar, Chairman. The record reflects that a Writ Petition No.2062/2025 was filed by the complainant in the Lahore High Court against the construction of Icon Plaza, Model Town Bahawalpur. According to the complainant, he engaged the respondent with the condition that she will obtain injunctive order by all means, otherwise she will return the professional fee of Rs.75,000/-to the complainant. It was further alleged by the complainant that the respondent had not argued the case on four consecutive dates of hearing due to which construction activities could not stop.

2. On the contrary, the respondent drew our attention to the order sheets of the dates of hearing conducted in the High Court. She argued that on all such dates, she duly appeared and never sought any adjournment. It was further averred that the complainant had earlier approached the High Court by means of W.P. No. 6130/2024/ BWP, wherein vide order dated 07.08.2024, the matter was remitted to the Secretary LG & CD

Department, Government of Punjab with the direction to decide the pending application of the complainant/petitioner. Accordingly, the matter was decided through order dated 29.10.2024. She further argued that the complainant has a consistent history of leveling baseless allegations against his previous counsel.

3. The main issue raised by the complainant during the pending adjudication of writ petition was that the respondent does not argue the case according to the will or volition of the complainant, therefore, she is liable to refund the fee. According to the respondent, the W.P. No. 2062/2025/BWP was initially filed through another counsel, and she accepted the brief in good faith after obtaining NOC from previous counsel. So far as the issue of stay is concerned, she argued that the Court in its own wisdom was not inclined to grant any interim relief after construction of plaza before filing of the writ petition.

4. The legal profession by and large is reckoned as one of the most highly regarded, prestigious, and intellectually motivating callings universally. It is regarded indispensable to justice for all in the communal sphere of influence as driving force for societal transformation. Keeping in mind the sensitivity with sense of worth, the vocational necessities always require enhancement of legal acumen, regular research on law, command on jurisprudence with rational, ingenious and inventive thinking to protect and for securing justice for the client. According to Rule 134 of Pakistan Legal Practitioners & Bar Councils Rules, 1976, it is the duty of every Advocate to uphold at all times the dignity and high standing of his profession, as well as his own dignity and high standing as a member thereof and the sagaciousness of Rule 154 accentuates that in fixing fees it should never be forgotten that the profession is a branch of the administration of justice and not a mere money making trade. By the same token, a lawyer cannot ethically or legally guarantee or undertake as part of his professional engagement for a relief on “done basis” to

his client in any case. The duty of a professional lawyer is to represent his client in any Court of law competently and skillfully to achieve maximum result, render honest, fair and trustworthy advice but he cannot guarantee the victory or an unequivocal outcome by all means or come what may. There is no concept of done basis or no win no fee or even incidence of refunding professional fee to the client in the failure of success in our judicial system as well as in the administration of civil and criminal justice. Across the world, the lawyers are deemed to be the officers of the Court with the predominant obligation is to assist the court in reaching a just decision but not to sell the guaranteed results.

5. If any lawyer vouchsafes and guarantees fail-safe result, it amounts to an unprofessional and unethical conduct which not only violates the canons of practice but also tarnishes the image and goodwill of the legal profession. In tandem, the professional misconduct integrates any demeanor that is unbecoming of an advocate, such as making false promises or rendering wrong advice to get hold of fee. At the same time, if a lawyer conveys that a case is strong, it is meant to furnish a professional opinion which ropes in to use finest proficiency and expertise to fight out the case in the Court room but he must also convey to his client an honest assessment of all risks together with probabilities of success.

6. On the flip side, if any client asked for the guaranteed relief or the relief on "done basis", he is equally responsible for denigrating and besmirching the image and goodwill of this most reputed profession. The client cannot dictate the lawyer to argue the matter as he deems fit. He cannot control the show in what manner his lawyer should argue but it is always left on the legal acumen of the lawyer to argue in the best interest of his client and he retains the command over the technical, legal, and preemptive borderlines to achieve desired results while obeying his own voice of conscience rather than appearing as a "mouthpiece" of the client to address irrelevant and outrageous

arguments on the will and whims of the client whether it relates to the case or not or whether it can weaken the case, but he must leave it on the strategic selection in his own fine sense of judgment to winnow out the feeble arguments in order to shine spotlight on the most promising ones. In unison, a client cannot legally demand a refund of a lawyer's professional fee simply because a stay was not granted, which in fact, the complainant is asking in the case in hand against his advocate to refund him the fee. The lawyer is paid fee for rendering professional services such as preparation of brief, conducting legal research and regular appearance in Court of law with his best abilities and without failing to show up on the date of hearings or without committing any professional misconduct on his part, the relief is declined for some lawful reasons including the injunctive order due to absence of prima facie case; lack of balance of convenience or inconvenience and no likelihood of irreparable loss/injury, the stay is declined or not confirmed by the Court, the claim of refund of professional fee in such aforesaid exigencies cannot be lodged by the client on the plea that grant of stay or its confirmation or any other relief was part of deal prior the professional engagement. It is high time for all Bar Councils of Pakistan to enact some further rules and regulations in the collective wisdom to eradicate the evil of rendering professional services on "done basis" with some concrete efforts to eliminate this menace. If any action is taken against any such lawyer if reported to respective Bar Councils, simultaneously, the stern action should be also taken against the client who is equally responsible in the unscrupulous game. In the case of Federation of Pakistan v. Mian Nawaz Sharif (PLD 2009 SC 284), it was held that the learned advocates and the legal fraternity in general, is in fact, the custodian and preserver of the dignity, independence and sanctity of this judicial institution. It must be remembered that their own respect and reverence is attached with the sanctity and reverence of this judicial institution. If a fraction of the legal fraternity is out to disfigure the face of this sacred institution or to annihilate its image of impartiality,

sacredness, sanctity and independence, none would be there to save them and this institution.

7. We have heard the complainant at length as well as the respondent advocate and also carefully perused the available record, particularly the order sheets of the High Court. We are unanimously of the considered view that the matter remained pending before the High Court due to non-appearance and non-submission of reports and para-wise comments by the Government officials. The attendance of the respondent advocate was marked on each date of hearing and no application for adjournment was moved by her. Therefore, we do not find any professional misconduct on part of the respondent. Accordingly, this complaint being bereft of merit is dismissed. The respondent has returned the original case file and papers of Writ Petition No.2062/2025 to the complainant during the course of hearing which he acknowledged.

Chairman

Member

Member

Member

LAHORE
14th February, 2026
A. Ludassar/*