

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

Dated: Quetta, the 28th April, 2026.

NOTIFICATION.

No.PAB/Legis:V(43)/2026/9745. The Code of Civil Procedure (Balochistan Amendment) Bill, 2026 (Bill No. 43 of 2026), having been passed by the Provincial Assembly of Balochistan on 16th April 2026, and assented to by the Governor Balochistan on 27th April 2026, is hereby published as an Act of the Provincial Assembly of Balochistan.

THE CODE OF CIVIL PROCEDURE (BALOCHISTAN AMENDMENT)

ACT, 2026 (ACT NO. VIII of 2026).

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ACT**

further to amend the Code of Civil Procedure, 1908 (Act No. V of 1908).

Preamble.

WHEREAS, it is expedient further to amend the Code of Civil Procedure, 1908 (V of 1908), for the purpose hereinafter appearing.

It is hereby enacted as follows: -

Short title, application and commencement.

1. (1) This Act may be called the Code of Civil Procedure (Balochistan Amendment) Act, 2026.

(2) It shall apply to the Province of Balochistan.

(3) It shall come into force on such date as the Provincial Government may, by notification in the official Gazette, specify and shall apply to such courts in the Province of Balochistan, by notification in the official Gazette, determine in this behalf and different dates may be specified in respect of different courts.

Amendment of Section 35 of Act V of 1908.

2. In the Code of Civil Procedure, 1908 (Act No. V of 1908), -

(a) for Section 35, the following shall be substituted, namely: -

35. Costs. (1) Subject to such conditions and limitations, as may be

prescribed, and to the provisions of any law for the time being in force, -

- (i) a party to any proceedings shall, before the announcement of final order, judgment or decree, file in the prescribed form, details of actual costs of litigation, including but not limited to court fee, stamp fee, fee paid to counsel and all other ancillary or incidental expenses thereto;
- (ii) the Court shall award the actual costs of litigation under clause (1) to the successful party with markup not exceeding the prescribed limit per annum, as notified by the State Bank of Pakistan, at the time of passing the order, judgment or decree;
- (iii) the costs other than those mentioned in clause (i) shall be in the discretion of the Court; *and*
- (iv) the Court shall have full power to determine out of what property such costs are to be paid and recovered and to give all necessary directions for the purposes aforesaid.

(2) The fact that the Court has no jurisdiction in respect of the proceedings shall be no bar to the exercise of such powers under this Section.”;

(b) for section 35-A, the following shall be substituted, namely: -

35-A. Adjournment costs. If, on the date fixed for hearing in any proceedings the litigating parties or any other person, despite service

of notice, fails to appear or comply with order of the Court or mandatory provision of the Code or any other law for the time being in force, seeks an adjournment for such purpose, the Court shall, for sufficient cause and reasons to be recorded, grant such adjournment on the condition that such party or person shall pay to the other party, costs of adjournment which shall not be less than five thousand Rupees per adjournment or such higher amount as may be prescribed from time to time:

Provided that if the Court is satisfied that the adjournment being sought is on account of unavoidable reasons beyond the control of the party concerned, which reasons shall be recorded by the Court the, the Court may grant adjournment without imposing adjournment costs:

Provided further that if the Court finds that there is a tendency of

seeking repeated adjournments by any party on such grounds, the Court may not grant adjournment without imposing the adjournment costs as the Court may deem fit."; *and*

(c) after Section 35-A, substituted as aforesaid, the following new Sections shall be inserted, namely: -

35-B. Special costs. (1) If in any proceedings, the Court finds that any averment made by any party is false or vexatious to the knowledge of such party, the Court shall award special costs to the opposite party against whom such averment has been made.

(2) The amount of any special costs awarded under sub-section (1) shall be taken into account in any subsequent suit for damages or compensation in respect of such claim or defence.

35-C. General provisions as to costs. The Government shall not be liable to costs under Sections 35, 35-A and 35-B.

Explanation, - In Sections 35, 35-A and 35-B, the expression →proceedings→ includes suit, appeal, review, revision, execution or any other proceedings and any matter incidental thereto."

(TAHIR SHAH KAKAR)

Secretary.

No.PAB/Legis:V(43)/2026/9745. Dated: Quetta, the 28th April, 2026.

A copy is forwarded to the Chief Controller, Government Printing Press, Balochistan Quetta for favor of publication in Extra –ordinary issue of Gazette of Balochistan. Before final printing, a copy thereof be sent to this Secretariat for Proof reading. Fifty copies of the Act may please be supplied to this Secretariat for record.

(ABDUL REHMAN)

Special Secretary (Legis:)

No.PAB/Legis:V(43)/2026/9745. Dated: Quetta, the 28th April, 2026.

Copy for information to: -

1. The Principal Secretary to Governor, Balochistan, Quetta.
2. The Principal Secretary to Chief Minister, Balochistan, Quetta.
3. The Secretary, Government of Balochistan, Law & Parliamentary Affairs Department, Quetta.
4. The Director General, Public Relations, Balochistan, Quetta for favour of publication.
5. The System Analyst, Balochistan Provincial Assembly.

SPECIAL SECRETARY (LEGIS:)