

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,
GILGIT.**

Before:-

Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.

Mr. Justice Javed Iqbal, Judge.

Mr. Justice Shahbaz Khan, Judge.

C. Appeal No. 19/2015

In

CPLA. No. 40/2014.

1. Babar Khan son of Tawalat Shah r/o Sultanabad Tehsil and District Gilgit. **Petitioner.**

Versus

1. Ghulam son of Muhammad r/o Muhallah Yalbo Tehsil Rondo at present Amphari Danyore Gilgit. **Respondents.**

2. Jami,

3. Karimullah son of Qalb-e-Ali r/o Shahpasand Tehsil Aliabad District Hunza Nagar.

4. Magistrate First Class/Assistant Collector Gilgit, Deputy Commissioner Office Khomer Gilgit.

5. SME Bank through Manager Bank Gilgit.

Proforma Respondents.

PRESENT:-

1. Mr. Malik Shafqat Wali senior Advocate for the petitioner.

2. Mr. Munir Ahmed Advocate alongwith Mr. Rehmat Ali Advocate-on-Record on behalf of the respondents.

DATE OF HEARING: - 02.09.201.

ORDER.

Dr. Rana Muhammad Shamim, CJ..... Malik Shafqat Wali Senior Advocate for the petitioner contends that the learned Trial Court without considering the legal position has allowed amendments in the plaint under Order 06 Rule 17, read with Section 151 CPC which was upheld by the learned District Judge vide order dated 22.05.2013 in Civil Revision No. 21/2012. The petitioner being aggrieved by and dissatisfied with the said order filed Writ Petition No. 61/2013 before the learned Chief Court

Gilgit-Baltistan, who passed order in one line and the petition was dismissed in limine without giving any reason vide order dated 27.08.2013, which is against the natural justice.

2. He further contends that two (02) independent transactions had been undertaken between the parties i.e one transaction between one Muhammad Jami and the respondent while the other transaction between the petitioner and one Kareem Ullah Khan, as such two independent cause of actions arisen in different occasions. The present respondents tried to engage the petitioner in the subsequent transaction which cannot be sustained as the subsequent transaction has a new cause of action which is not disputed. He finally contends that the learned Gilgit-Baltistan Chief Court dismissed the Writ Petition of the petitioner vide order dated 27.08.2013 which is not tenable in law hence, the same is require to be set aside.

3. Conversely, the learned counsel for the respondents supports the impugned order of the learned Gilgit-Baltistan Chief Court. He submits that the learned Gilgit-Baltistan Chief Court has rightly dismissed the Writ Petition of the petitioner as the same was filed against order dated 22.05.2012 passed in Civil Revision No. 21/2012 which was not maintainable. He finally submits that the impugned order dated 27.08.2013 passed by the learned Gilgit-Baltistan Chief Court may graciously be maintained being well reasoned and well founded.

4. We have heard the learned counsels for the respective parties at length, perused the record of the case file and gone through the impugned order dated 27.08.2013 passed by the learned Gilgit-Baltistan Chief Court. In our considered view the impugned order dated 27.08.2013 is not a speaking order as no reasons have been given while dismissing Writ Petition in limine.

5. In view of the above discussions, we convert this petition into an appeal and the same is allowed. Consequently, the impugned order dated 27.08.2013 passed by the learned Gilgit-Baltistan Chief Court is set aside. The case is remanded back to the learned Gilgit-Baltistan Chief Court to hear the parties afresh whereafter decide the same on its own merits.

6. The petition is allowed in above terms.

Chief Judge.

Judge.

Judge.

Whether the case is fit to be reported or not?