

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

Before:- Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.

Mr. Justice Javed Iqbal, Judge.

Civil Appeal No. 31/2017

In

CPLA. No. 84/2016

Mayal Khan s/o Juma Khan r/o Jutal Tehsil Gilgit.

Petitioner

VERSUS

1. Ghulam Haider s/o Ghulam Mehdi Naib Tehsildar Settlement Officer Gilgit and 02 others.

Respondents

PRESENT:-

1. Mir Akhlaq Hussain, Advocate for the petitioner.
2. Mr. Muhammad Issa, Senior Advocate on behalf of the respondents.

DATE OF HEARING:- 19-04-2017.

DATE OF DETAIL JUDGMENT:-.....-08-2017.

JUDGEMENT

JAVED IQBAL, J..... This petition for leave to appeal has been directed against the judgment/decreed of concurrent findings of all three Courts below. Where all of three Courts below while reaching at same conclusion, have dismissed suit No. 52/1999, filed by petitioner.

2. The brief back ground of the litigation as narrated by the parties are that, the petitioner has filed Civil Suit declaration of the title over the suit property and taken a plea that, he is equally share of the suit land like the respondent/defendant No.1 for reason that, the petitioner purchased the disputed land from joint-resources and were possession as co-sharer till 1988. Petitioner was dislocated on

sectarian unrest being a shia sect from Pari Bangla and the petitioner resides in Jutal. In absence petitioner, the respondent No.1 grabbed whole property and has alienated its major portion through sale to some other persons.

3. Besides this respondents/defendants raising certain preliminary objection and deny the whole claim of petitioner/defendants and contended that in joint-written statement respondent No.1 is exclusively owner of lands from his own means and resources, portion of the land was gifted by respondent No.1 to the other respondents, and partly been sold out to other persons, remaining land are in possession of respondent as per their ownership.

4. The learned Trial Judge after completion of full dress trial, merit dismissed the suit of petitioner vide judgment dated 26-9-2011. This judgment/decreed was called in question before learned District Judge Gilgit through filing appeal by petitioner, the learned District Judge vide judgment/decreed dated 23-10-2012, dismissed the appeal No.51/2011. Feeling aggrieved by this judgment/decreed, the petitioner filed civil revision under section 115 Civil Procedure Code before learned Chief Court Gilgit-Baltistan. While reaching at same conclusion the single bench of learned Chief Court Gilgit vide judgment/decreed dated 17-5-2016, hold that, learned Courts below have returned their concurrent findings after proper appreciation of evidence, and not point out any mistake about misreading and non-reading of the evidence by the learned Courts below and same be dismissed by single bench of learned Chief Court.

5. We have minutely perused the record of the case, concurrent judgments of learned three courts below. We have heard learned counsel of the petitioner, as well as learned counsel of the respondents. The counsel of the petitioner inter alia contended that,

the suit property is joint property of petitioner and respondents, but in this regard we see no documentary evidence available on record file. On the other hand respondent's counsel contended, that, concurrent findings of three learned courts below are well reasoning.

6. So in the above circumstances of the case and finding of three learned Courts, which have given their detailed and exhaustive judgments after discussed the facts and law. We do not find any such reasons to interfere and disturb the findings recorded by all three courts below. Consequently we convert this petition into appeal and the same was dismissed vide our short order dated 19-04-2017.

7. The appeal is dismissed in above terms.

JUDGE

CHIEF JUDGE

Whether the case is Fit to be reported or Not?