

**THE SUPREME APPELLATE COURT GILGIT-BALTISTAN, GILGIT
(AMENDED) RULES, 2008 WITH PRACTICE AND PROCEDURE.**

The Government of Pakistan has been pleased to amend the Gilgit-Baltistan Council Legal Framework Order 1994, and has made the Gilgit-Baltistan Governance Order 1994. The Governance Order 1994 since been replace with the Gilgit-Baltistan (Empowerment & Self Governance Order) 2009, on 9th September, 2009.

In Chapter-2 of the said Order, the judicial system has been incorporated. (Now Part-XI the Judicature) of Gilgit-Baltistan (Empowerment & Self Governance Order) 2009.

In exercise of the powers conferred under Article 33 of Gilgit-Baltistan Governance Order, 1994. The Supreme Appellate Court makes the following Rules.

Saving Clause:-

Article 62 of Gilgit-Baltistan Empowerment & Self Governance Order 2009, (4):- Subject to this order and law, the Supreme Appellate Court may, in Consultation with the Council, make rules regulating the procedure and procedure of the Court.

Provided that till the new rules are framed, the rules framed by the Supreme Appellate Court shall, so far as they are not inconsistent with this Order and any other law, deemed to have been made by the Supreme Appellate Court until altered or amended and reference to the Supreme Appellate Court in these rules shall be construed to be referred to the Supreme Appellate Court.

PART 1.
GENERALORDER 1
INTERPRETATION

1. These Rules shall be called the Supreme Appellate Court Gilgit-Baltistan Rules, 2008 and shall come into force at once.

DEFINITIONS:

“Order” means the Gilgit-Baltistan Governance Order, 1994.

“Chief Judge” means the Chief Judge Supreme Appellate Court Gilgit-Baltistan.

“Judge” means the Judge of Supreme Appellate Court Gilgit-Baltistan.

“Chief Court” means the Gilgit-Baltistan High Court Gilgit.

“Code” means the Code of Civil Procedure, 1908.

“Court” Appealed from” includes Chief Court, a tribunal and any other judicial body from which an appeal is preferred to this Court.

“Advocate” means a person entitled to appear and plead before the Supreme Appellate Court Gilgit-Baltistan, Gilgit.

“Gazette” means the Gazette of Pakistan.

“Prescribed” means prescribed by or under these Rules:

“Registrar” means ‘Registrar of the Court’.

“Registry” means main Registry of the Court’.

“Branch Registry” means a Branch Registry of the Court set up by the Chief Judge and notified in the Gazette.

“Respondent” includes an intervener/contestant.

“Signed” save in the case of a judgment and decree includes stamped.

2. Unless the context otherwise requires, the General Clauses Act, 1887, shall apply to the interpretation of these Rules as it applied to the interpretation of a Federal Act.

4. Whereby these Rules or by any order of the Court any step is required to be taken in connection with any cause, matter or appeal, before the court, that step shall, unless the context otherwise requires, be taken in the Registry or in the appropriate Branch Registry.

Main Registry Gilgit.

5. Where any particular number of days is prescribed by these Rules, the same shall be computed in accordance with the provisions of Limitation Act, 1908.

6. Save as otherwise expressly provided by these Rules, the provision of the Code shall not apply to any proceedings in the court.

ORDER II

OFFICERS OF THE COURT: SITTING AND VACATION

1. Except during the vacation and on Court holidays and subject to any order of the Chief Judge, the office of the Court shall remain open daily from 08:30 a.m. to 02:30 p.m. on week days, and from 08:30 a.m. 12:30 noon on Friday.

Provided that no matter, unless of an urgent nature shall be received within one hour of the closing time.

2. Except Holidays. The officers of the Court shall be opened during the vacation and the Winter holidays.

3. The Judicial Year of the court shall commence on the second Monday in September each year, or in case it is a Court holiday, then, on the next working day, and continue until the commencement of the vacation in the year next following.

4. Summer Vacation of the Court shall commence on the 11th July to 31st July or on such date, as may be fixed in each year by the Chief Judge and notified in the Gazette.

5. The Court shall not ordinarily sit on (Saturday or on any other day that may be set apart for writing of Judgments) nor during Winter Vacations that is to say

1st December to 1st March, both days inclusive, as may be fixed in each year by the Chief Judge and notified in the Gazette.

6. A Judge shall be nominated by the Chief Judge before the commencement of vacation and winter holidays for the hearing of all matters which may require to be immediately or promptly dealt with.

ORDER III **OFFICERS OF THE COURT**

1. The Registrar shall be executive head of the Office. He shall have the custody of the records of the Court and shall exercise such powers as are assigned to him by these Rules.

2. The Registrar and other officers shall not remain on leave without the permission of the Chief Judge and similarly other officials will not remain absent without the leave of the Registrar.

3. In the absence of the Registrar, [the Additional Registrar and in the absence of Additional Registrar] the Deputy Registrar or in the absence of the Deputy Registrar, the Assistant Registrar shall perform all the functions of the Registrar, under these Rules.

4. The Chief Judge may assign and the Registrar may, with the approval of the chief Judge, delegate his powers to Additional Registrar, Deputy Registrar or Assistant Registrar, any functions required by these Rules to be performed by the Registrar.

5. The Registrar shall, subject to any directions by the chief Judge, allocate the duties of the Registry among the officers of the Court, and shall subject to these Rules, and to any such direction as aforesaid, supervise, and control the officers and servants of the Court.

6. The Seal of the Court shall be such as the Chief Judge may direct, and shall be kept in the custody of the Registrar.

7. Subject to any directions by the Chief Judge, Seal or the Court shall not be affixed to any writ, rule, summons or other process serve under the authority in writing of the Registrar.

8. The Seal of the Court shall not be affixed to any certified copy issued by the Court, save under the authority in writing of the Registrar.

9. The Registrar shall keep a list of all cases pending before the Court and shall subject to these Rules and any directions given by the Chief Judge, prepare the

list of cases ready for hearing and shall cause notice to be given thereof and of the day if any, assigned for the hearing of any case or cases in the list.

10. In addition to any other powers under the Rules, and subject to any general or special orders of the Chief Judge, the Registrar shall have the following powers namely:-

(a) to require any plaint, petition of appeal, petition for leave to appeal or other matters presented to the Court, to be amended in accordance with the practice and procedure of the Court or to be represented after such requisition as the Registrar thinks proper in relation thereto, has been complied with:-

- (b) to fix the dates of hearing of appeals, petitions or other matters and issue notices thereof;
- (c) to settle the index;
- (d) to direct any formal amendment of record.

ORDER IV **ADVOCATES AND ADVOCATES-ON-RECORD**

1. There Shall be kept separately, a Roll of Senior Advocates, of Advocate and of Advocate-on-Record.

2. A person shall not be qualified for being enrolled as an Advocate unless he:-

- (a) has been for not less than ten years enrolled as an Advocate in the Gilgit-Baltistan Chief Court/Court of any Province.
- (b) has been certified in a duly authenticated form by the Chief Judge Gilgit-Baltistan Chief Court/High Court of any.
- (c) Has been enrolled as an Advocate of Supreme Court of Pakistan or Supreme Court of Azad Jammu and Kashmir.

Provided that the Chief Judge and Judges may grant the enrolment of a person not qualified as aforementioned if in their judgment he is qualified by knowledge, ability and experience to be enrolled as an Advocate.

3. The Chief Judge and Judges may select, from time to time, from among those whose names are on the Roll of the Advocates, persons who are judged, by their knowledge, ability and experience, to be worth of being granted the status of Senior Advocate and on signing the Roll of Senior Advocates shall assume the said status. A Senior Advocate shall pay an enrolment fee of Rs. 5000/-.

4. The dress of Advocate shall be black suit, black tie or black Sherwain, with white Shalwar Kameez and shall wear the gowns as and when notified by the Court.

5. A signing fee of Rs. 100/- shall be charged from an Advocate.
6. Where, on the complaint of any person or otherwise, the Chief Judge or the court is of the opinion that an Advocate has been guilty of misconduct or conduct unbecoming of an Advocate, with regard to any matter concerning the Court, the Chief Judge or the Court may after affording him an opportunity of oral hearing, take such disciplinary action, including suspension and removal from practice of the Court, against him as it may deem fit.
7. Nothing in this Order shall be deemed to limit or otherwise affect the inherent powers of the court to make such order and take such action as may be necessary for the conduct and proceedings of the Court.
8. A Senior Advocate, and Advocate and an Advocate-on-Record shall be entitled to appear and plead before the Court signing his respective Roll:

Provided that an Advocate shall not be allowed to sign the Roll unless he produces certificate of enrolment from the Gilgit-Baltistan Bar Council; and
9. No Advocate other than an Advocate-on-Record shall appear or plead in any matter unless he is instructed by an Advocate-on-Record.
10. The Rolls of Senior Advocates, Advocates and Advocate-on-Record shall be kept by the Registrar and shall contain such particulars as the Court may, from time to time require.
11. The Advocate General of a Province shall have precedence immediately after the Attorney General.

Provided that the seniority of Advocate General of Provinces inter shall be determined in accordance with the dates of appointment to their respective offices.
12. An Advocate of five years standing in the Supreme Appellate Court shall be qualified to be registered as an Advocate-on-Record making an application in this behalf.
13. No Advocate other than an Advocate-on-Record shall entitle to act for a party in any proceedings in the Court.
14. No Senior Advocate shall be registered as Advocate-on-Record.
15. Every Advocate-on-Record shall have an office at the seat of the main Registry or at the seat of any Branch Registry and shall notify the Registrar of the Address of his office and of any change of address, an any notice, writ, summons or other documents delivered or sent through post to the Advocate-on-Record at the address so notified by him shall be deemed to have been properly served.

16. Two or more Advocate-on-Record may enter into partnership with one another, and any one of them may act in the name of the partnership, provided that the firm has an office at the seat of the Main Registry or a Branch Registry and is registered with the Registrar. The undertaking prescribed in rule 17 hereinbefore contained in this Order, shall be prescribed separately by all the partners on behalf of the firm. Any change in the composition of the firm shall be intimated to the Registrar. Any firm of Advocate-on-Record may, in addition to principal office at the seat of the Court or a Branch Registry, also maintain Branch office at any District Headquarters or other centre of litigation, provided that such Branch office is under the management and control of a member of the firm who has received training at the principal office of the firm for a period of not less than one year.

17. An Advocate-on-Record who wishes to have his name removed from the Roll of Advocate-on-Record shall apply by petition, verified by an affidavit, entitled “in the matter ofan Advocate-on-Record, in this Court”, and stating the date of his enrolment as an Advocate-on Record, the reasons why he wishes his to be removed, that no application or other proceeding in any court is pending, or is likely to be instituted against him, and that no fees are owing to the Court for which he is personally liable.

18. Every Advocate-on-Record shall, before action on behalf of any person or party, file in the Registry a power-of-attorney in the prescribed form authorizing him to act.

19. No person having an advocate-on-Record shall power-of-attorney authorizing another Advocate-on-Record to act for him in the same case save with the consent of the former Advocate-on-Record or by leave of the Court, unless the former Advocate-on-Record is dead, or is unable by reason of infirmity of mind or body to continue to act.

20. No Advocate-on-Record shall without leave of the Court withdraw from the conduct of any case by reason only of non-payment by his client of fees, costs and other charges.

21. Every Advocate-on-Record in the case shall be personally liable to the Court for due payment of all fees and charges payable to the Court.

22. No person having an Advocate-on-Record in the case shall be heard in person save by special leave of the Court:

Provided that where a person is not represented by an Advocate-on-Record or has been permitted by the Court to appear in person, he shall be subject to same discipline and restrictions as are application to an Advocate-on-Record.

23. No Advocate-on-Record shall authorize any person, except another Advocate-on-Record to do any act in his name in any case. The authorization shall be in writing.

24. Where a party changes his Advocate-on-Record, the new Advocate-on-Record shall give notice of the change to all parties concerned.

25. A Senior Advocate, or an Advocate or an Advocate-on-Record who wishes to suspend his practice by, reason of his appointment to any office of profit under the Government, or his being engaged in another profession or for any other reason, shall give intimation thereof to the Registrar.

ORDER V
BUSINESS IN CHAMBERS

1. The powers of the Court in relation to the following matters may be exercised by the Registrar:-

- (1) Application for revival or substitution.
- (2) Application for discovery and inspection.
- (3) Application for delivery of interrogatories.
- (4) Certifying of cases as fit for employment of Advocates.
- (5) Application for substituted service.
- (6) Registration petitions, appeals, suits and other matters.
- (7) Application for time to plead, for production of documents and generally relating to conduct of cause, appeal or matter and to allow from time to time any period or periods not exceeding six weeks, in the aggregate, and for doing any other act necessary to make a cause petition or appeal complete.
- (8) Approval of Translator.
- (9) Approval of Interpreter.
- (10) Application for payment into Court.
- (11) Application for search, inspection or getting copies of any document or record by parties to proceedings and third parties on payment of prescribed fees and charges.
- (12) Application for return of document.
- (13) Determination of the quantum of Court fee payable in respect of any document.
- (14) Application for issue of a refund certificate in respect of excess Court fee paid by mistake.
- (15) Application for a transcript record instead of printed record.
- (16) Application for production of documents outside Court premises.
- (17) Application for further particulars, better statement of claim or defence.
- (18) Application for payment of money out of court or handing over or discharge of security.
- (19) Application for enforcing payment of costs.
- (20) Application for extending returnable dates of warrants.

- (21) Application for bringing on record the legal representatives of a deceased party.
- (22) Show-cause notice to the parties who fail to prosecute appeals, petitions or matters pending before the Court with due diligence.
- (23) Application for permission to exhibit or use documents in a language other than Urdu or English.
- (24) Application for permission to get paper books prepared outside the Court.
- (25) Application for extension of time limit for filing affidavits.
- (26) Application for security for costs.
- (27) Application for assignment of Security Bonds.
- (28) Setting down, cause, appeal or matter ex-parte.

2. The power of the Court in relation to the following matters may be exercised by a Single Judge, sitting in Chambers, but subject to re-consideration, at the instance of any aggrieved party by a Bench of not less than two Judges, which may include the Judge who dealt with the matter:-

- (1) Application leave to compromise or discontinue a pauper appeal.
- (2) Application for striking out or adding a part.
- (3) Application for separate trials of causes of action.
- (4) Application for separate trials to avoid embarrassment.
- (5) Rejection of plaint.
- (6) Application for setting down for judgment in default of written statement.
- (7) Application for striking out any matter in a pleading.
- (8) Application for amendment of pleading.
- (9) Application for enlargement of time to amend.
- (10) Application for dismissal for non-prosecution.
- (11) Application for tax bills returned by Taxing Officer.
- (12) Application for costs of taxation where one-sixth is taxed off.
- (13) Application for enlargement or abridgment of time except those covered by item 7 of rule 1 and application for condonation of delay in filing petition for leave to appeal.

- (14) Application for issue of commissions.
 - (15) Application for order against clients for payment of costs.
 - (16) Application for production of evidence by affidavit.
 - (17) Application for stay of execution of decree or order in civil proceedings.
 - (18) Application for stay of execution of a sentence or order in Criminal Proceedings.
 - (19) Application for grant of bail.
 - (20) Application to set aside ex-parte orders.
 - (21) Consent petitions.
3. An appeal shall lie from the Registrar in all cases to the Judge in Chambers.
4. An application of reconsideration under rule 2 supra and an appeal under rule 3 supra shall be filed within thirty (30) days of the date of the order complained of.
5. The Registrar may, and if so directed by the Judge in Chambers shall, at any time adjourn any matter and place it before the Judge in Chambers, and the Judge in Chambers may at any time refer any matter to the Court, and the Court may direct that any matter shall be transferred from the Registrar or the Judge in Chamber to the Court.

ORDER VI **NOTICES OF MOTION.**

1. Save as otherwise provided by law or these rules, all applications shall be made before the Court on motion after notice to the parties affected thereby. Where the delay caused by notice would or might entail prejudice or hardship, an application may be made duly supported by an affidavit, for an ad-interim order ex-parte, and the Court, if satisfied that the delay caused by notice would entail prejudice or hardship, may make order ex-parte upon such terms as to costs or otherwise, and subject to such undertaking, it any, as the Court deem just, pending orders on the main application by notice of motion.
2. A notice of motion shall be instituted in the suit or matter in which the application is intended to be made and shall state the time and place of application and the nature of order asked for and shall be addressed to the party or parties intended to be affected by it and shall be signed by the party, if any, or by himself where he acts in person.

3. Save by leave of the Court, the notice of motion together with the affidavit in support thereof, shall be served on the opposite party not less than 12 days before the day appointed for the motion and the affidavit of service together with the acknowledgment receipt of the service of the notice shall be filed in the Registry at least three days before the day appointed for the motion. Counter affidavits, if any, shall be filled in the Registry during office hours not later than one hour before the closing of the Registry on the day preceding the day of hearing and copies of those affidavits shall be served on the other parties to the motion and the affidavits shall
4. Notice shall be given to the other party or parties of all grounds intended to be urged in support of or in opposition to, any motion.
5. Save by leave of the Court, no affidavit in support of the application beyond those specified in the notice of the motion, nor any affidavit in answer or reply filed later than the time prescribed in these Rules shall be used at the hearing or allowed on taxation.
6. Save as otherwise ordered, the costs of a motion in a suit or proceeding shall be treated as costs in that suit or proceedings.

ORDER VII **DOCUMENTS.**

1. The officers of the Court shall not receive any pleading, petition, affidavit or other document, except original exhibits and certified copies of public documents, unless it is fairly and legibly transcribed on one side of standard petition paper, demy-foolscap size. Copies of documents, if not forming part of the record of the Court appealed from, filed for the use of this Court, shall be certified to be true copies by
2. Any document in a language other than Urdu or English shall be accompanied by its translation in either of the two languages in accordance with the Rules.
3. Every document required to be translated by a translator nominated or approved by the Court on the payment of prescribed fees.
4. Every translator shall, before acting, make on oath or affirmation that he will translate correctly and accurately all documents given to him for translation, and at the end of document he shall certify in writing, signed by him, that the translation is correct.
5. Except as otherwise, provided in these Rules, all complaints, petitions, appeals and other documents shall be presented in person by the party.

6. Except as otherwise provided in these Rules, or by any law for the time being in force, the Court fee set out in the first schedule to these Rules shall be payable on all documents mentioned therein .

7. The Registrar may decline to receive any document which is presented other wise than in accordance with these Rules.

ORDER VIII
AFFIDAVITS

1. The Court may at any time, of sufficient reason, order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing, on such conditions, as the Court deems reasonable:

Provided that to no such order shall be passed where it appears to the Court that either party bona fide desires the production of a witness for cross-examination and that such witness can be produced, without unreasonable delay or expense.

2. Upon an application evidence may be given by affidavit, but the Court may, at the instance of the other party, order the attendance of the deponent in the Court for cross-examination, unless he is exempted from personal appearance or the Court otherwise directs,

3. Every affidavit shall be entitled in the cause, matter or appeal in which it is sworn.

4. Every affidavit shall be drawn up in first person, and shall be divided into paragraphs to be numbered consecutively, and shall state the description, occupation, if any, and the true place of abode of the deponent.

5. Affidavits shall be confined to such facts as the deponent is able of his own knowledge to prove, except on interlocutory applications, on which statement of his belief may be admitted, provided that the grounds thereof are stated.

6. The costs occasioned by any unnecessary prolixity in the titled to an affidavit or otherwise shall be disallowed by the Taxing Officer.

7. An affidavit requiring interpretation to the deponent shall be interpreted by an interpreter nominated or approved, by the Court, if made at the seat of the Court, and if made elsewhere shall be interpreted by a competent person who shall certify that he has correctly interpreted the affidavit to the deponent.

8. Affidavits for the purposes of any cause, matter or appeal before the Court may be sworn before any authority mentioned in section 139 of the Code or before the

Registrar of this Court, or before a Commissioner generally or specially authorized in that behalf by the Chief Judge.

9. Where the deponent is a *Purdahnashin lady*, she shall be identified by a person to whom she is known and that person shall prove the identification by a separate affidavit.

10. Every exhibit annexed to an affidavit shall be marked with the title and number of the cause, matter or appeal and shall be initiated and dated by the authority before whom it is sworn.

11. No affidavit having any interlineation, alteration or erasure shall be filed in the Court unless the interlineation or alteration is initialed or unless in the case of an erasure the words or figures written on the erasure are rewritten in the margin and initialed, by the authority before whom the affidavit is sworn.

12. The Registrar may refuse to receive an affidavit where, in his opinion, the interlineations, alterations are erasures or so numerous as to make it expedient that the affidavit should be rewritten.

13. Where a special time limit is prescribed for filing affidavits, no affidavit, filed after that time shall be used except by leave of the Court.

14. In this order "affidavit" includes a petition or other document required to be sworn and "sworn" shall include "affirmed".

ORDER IX **INSPECTION, SEARCH, ETC.**

1. Subject to the provisions of these Rules, a party to any case, matter or appeal, who has appeared shall be allowed to search, inspect or get copies of all pleadings and other documents or records in the case, on payment of the prescribed fees and charges.

2. The Court, at the request of a person not a party to the cause, matter or appeal, may on good cause shown allow such search or inspection or grant such copies as is or are mentioned in the last preceding Rule, on payment of the prescribed fees and charges.

3. A search or inspection under the last two preceding Rules during the pendency of a cause, matter or appeal, shall be allowed only in the presence of an officer of the Court and after twenty-four hours' notice in writing to the parties who have appeared, and copies of documents shall not be allowed to be taken; but notes of the search or inspection may be made.

4. Copies required under any of the preceding rules of this Order may be certified as correct copies by any officer of the Court authorized in that behalf by the Registrar.

5. No record or document filed in any cause, matter or appeal shall, without the leave of the Court, be taken out of the custody of the Court.

ORDER X
JUDGMENTS, DECREES AND ORDERS

1. The Court, after the case has been heard, shall pronounce judgment in open Court, either at once or on some future day, of which due notice shall be given to the parties or their Advocates and the decree or order shall be drawn up in accordance therewith.

2. Subject to the provisions contained in Order XXVI, a judgment pronounced by the Court or by majority of the Court or by a dissenting Judge in open Court shall not afterwards be altered or added to, save for the purpose of correcting a clerical or arithmetical mistake or an error arising from any accident slip or omission.

3. Certified copies of the judgment, decree or order shall be furnished to the parties on application made for the purpose and their expense.

4. Every decree or order made by the Court shall be drawn up in the Registry and be signed by the Registrar or Additional Registrar or Deputy Registrar or Assistant Registrar and sealed with the Seal of the Court and shall bear the same date as the judgment.

5. Every order made by the Registrar or the other officer shall be drawn up in the Registry and signed by the Registrar or other officer as the case may be.

6. In case of doubt or difficulty with regard to a decree or order made by the Court, the Registrar shall, before issuing the draft, submit the same to the Judge in Chambers.

7. Where a draft of any decree or order is required to be settled in the presence of the parties, the Registrar shall by notice in writing appoint a time for settling the same and the parties shall attend accordingly and produce their briefs and such other documents as may be necessary to enable the draft to be settled.

8. Where any party is dissatisfied with any decree or order as settled by the Registrar, the Registrar shall not proceed to complete the decree or order without allowing that party sufficient time to apply by motion to the Court.

9. The decree passed or order made in every appeal and a direction or writ issued in any matter by the Court shall be transmitted by the Registrar to the Court, tribunal or other authority concerned from whose judgment, decree or order the appeal or matter was brought, and any such decree, order or direction shall be executed and enforced as if it had been made and issued by the Gilgit-Baltistan Chief Court.

10. Any order as to the costs of proceedings in the Court, as soon as the amount of the costs to be paid is ascertained, shall be transmitted by the Registrar to Court or tribunal appealed from or to any other authority concerned, and shall be given effect to by that Court, tribunal or authority as if it were an order made by the Gilgit-Baltistan Chief Court.

ORDER XI
CONSTITUTION OF BENCHES

1. Appeals shall be heard by the Chief Judge and Judges.

2. If at any time the office of the Chief Judge or a Judge is vacant, or he is absent or unable to perform the function of his office due to any cause, appeals may be heard by the Chief Judge and one Judge or, as the case may be, by two Judges.

The Full Bench/Division Bench may dispose of the appeals against judgments/decrees/orders of the Gilgit-Baltistan Chief Court. However criminal cases/motion cases, miscellaneous, urgent matters and Suo Motu cases including civil matters may be disposed of by a single Judge if ordered by the Chief Judge in his discretion, in a fit case that he deems necessary.

Provided further that if the Judges hearing a petition/appeal or equally divided in opinion the petition or appeal as the case may be, shall be placed for hearing and disposal before the third Judge.

PART II
APPELLATE JURISDICTION
ORDER XII

**CIVIL APPEALS UNDER ARTICLE 60 OF GILGIT BALTISTAN
(EMPOWERMENT & SELF GOVERNANCE ORDER) 1999.**

1. No notice of motion in relation to a Civil Appeal under this Order shall be entertained unless it is accompanied by a certificate issued by the Gilgit-Baltistan Chief Court that the case involved a substantial question of law or of public importance.

2. The petition/appeal shall be presented within thirty days from the date of grant of certificate by the Gilgit-Baltistan chief Court or the date of impugned judgment,

decree or final order of Gilgit-Baltistan Chief Court. Provided that the Court may for sufficient cause extend the time.

3. The petition of appeal shall set forth the appellant's objections to the decision of the Gilgit-Baltistan Chief Court and the appellants shall not, except by leave of the Court, urge or be heard in support of any other ground, but the Court, in deciding the appeal, shall not be confined to the grounds of objections set forth in the petition of appeal or urged by the leave of the Court under this rule.

Provided that the Court shall not rest its decision on any other ground unless the party who may be affected thereby has had a sufficient opportunity of contesting the appeal on that ground.

4. The petition of appeal shall be accompanied by:

- (i) certified copies of the judgment and decree or final order appealed against, and of Courts below;
- (ii) a certified copy of the certificate granted under Rule I where that certificate is not embodied in the judgment; and
- (iii) an affidavit of service of copy of the petition of appeal on the respondent.

5. Within thirty days of the service on him of the petition of appeal, a respondent may, if he so desires, file in the Court his objections, if any, to the grounds taken by the appellant in his petition of appeal, and to the appellant's right to raise in the appeal any question other than those bearing on the question of law to which the certificate relates.

6. The liability of the parties to pay Court-fee in this Court, unless otherwise ordered by this Court, shall not be affected by any order for consolidation of appeals made by the Gilgit-Baltistan Chief Court or by this Court.

7. The provisions contained in the succeeding Orders in this part of the Rules shall apply, mutatis mutandis to appeals under this Order.

ORDER XIII
PETITION FOR LEAVE TO APPEAL IN CIVIL ROCEEDINGS UNDER
ARTICLE 60 (13) OF GILGIT-BALTISTAN (EMPOWERMENT & SELF
GOVERNANCE ORDER) 1999

1. A petition for leave shall be lodged in this Court within sixty days of the judgment, decree or final order sought to be appealed from or as the case may be within

thirty days from the date of the refusal of grant of certificate by the Gilgit-Baltistan Chief Court.

Provided that the Court may for sufficient cause extend the time.

2. A petition for leave to appeal shall state succinctly and clearly all points of law which arise for determination and, all such facts it may be necessary to state in order to enable the Court to determine whether such leave ought to be granted and shall be signed by the Counsel or by the party himself if he appears in person. The petition shall deal with the merits of the case only so far as is necessary for the purpose of explaining and supporting the particular grounds upon which leave to appeal is sought.

3. The petitioner shall lodge at least three copies, unless required otherwise by the Court, of:-

- (i) his petition for leave to appeal;
- (ii) the judgment, decree, final order sought to be appealed from, one copy of which shall be certified as correct, together with grounds of appeal or application before the Gilgit-Baltistan Chief Court;
- (iii) paper book of Gilgit-Baltistan Chief Court, if any, and the other record duly attested by the Counsel for the petitioner;
- (iv) the order of the Gilgit-Baltistan Chief Court refusing grant of certificate, if any under Rule 1;
- (v) an affidavit in support of allegations of fact prescribed by Rule 4 of the Order XVII, hereinafter contained; and
- (vi) unless a caveat, as prescribed by Order XVII, Rule 2 has been lodged by the other party; who had appeared in the Court below, an affidavit of service of notice of the intended petition upon such party. The petitioner shall, on demand, furnish to other parties, at their expense, on the prescribed charges, copies of all or any of the documents filed by him in the Court.

4. In an appropriate case the Registrar may require the petitioner to supply, in advance of the hearing of the petition, copies of the orders made in the case by all Courts subordinate to Gilgit-Baltistan Chief Court as well as grounds of the petition of any earlier appeal in case these documents are not already included in the paper book or record of the appeals as mentioned in Rule 3 of this Order.

5. Save in cases where caveat as prescribed by Rule 2 of Order XVII has been lodged by the other party who appeared in the Court appealed from, petitions for leave to appeal shall be heard ex-parte, but the Court may direct the petitioner to issue notice to the other party as it may deem fit, and adjourn the hearing of the petition which shall be posted for hearing after service of the hearing of the petition which shall be posted for hearing after service of notice on the party concerned and upon affidavit of service by the petitioner. Where the other party who has appeared in the Court appealed

from has lodged a caveat as aforesaid, but a caveator shall not be entitled to costs of the petition unless the Court otherwise order.

6. Where the Court grants leave to appeal it shall, in its order, give such directions, as it may deem fit, for the provision of security by the petitioner for the costs of the respondents as may be awarded by the Court on the disposal of the appeal as well as for printing charges. These directions, as far as they relate to security for costs shall be subject to modifications at the instance of any party, at any time prior to the hearing of the appeal.

7. Subject to the provisions of these Rules no appeal by leave of this Court shall be fixed for hearing unless the amount of security has first been deposited and subject to any directions of the Court in this behalf, the deposit shall be made within a period of one month from the date of grant of leave to appeal; failing which the leave shall stand rescinded unless otherwise ordered by the Court.

8. Except where otherwise ordered by the Court, the security shall be deposited in cash in the National Bank of Pakistan at Gilgit or any scheduled Bank under a challan to be issued by the Registrar.

9. Where the appellant has lodged security for the costs of the respondent as well as for the printing charges of the paper-book, the Registrar shall deal with such security in accordance with the directions contained in the order of the Court determining the appeal.

10. After the grant of leave to appeal by this Court, the case shall be registered as an appeal and the Registrar shall transmit a certified copy of the order of the Court Registrar of the Court appealed from.

11. Where a petitioner, who has obtained leave to appeal desired, prior to the receipt of the original record of the appeal in the Court, to withdraw his petition, he shall make an application to that effect to the Court and the Court may thereupon make an order dismissing the petition. The security, if entered into by the appellant, shall be dealt within such manner as the Court may deem fit to direct.

12. Save as otherwise provided by the preceding rules of this Order, the provisions of Order XVII hereinafter contained shall apply Mutates Mutandis to petitions for leave to appeal.

13. The provisions contained in Order XXI shall apply, as far as applicable, in the case of any person seeking to appeal to the Court as a pauper.

ORDER XIV**PREPARATION OF RECORD**

1. As soon as a petition of appeal has been lodged in the Registry under Order XII or the Court made an order granting leave to appeal under Order XIII, the appeal shall be registered and the appellant shall, within 60 days, file in the Registry the required number of copies of the record and of the additional documents.

If so ordered by the Court, otherwise the appellant shall without delay take all necessary steps to have a printed/cyclostyled record prepared in the Registry.

2. Where an appeal has been admitted by an order of this Court, the Registrar, shall notify the respondents of the order of this court granting leave to appeal, and shall also transmit a certified copy of the order to the Registrar of the Chief Court.

3. The Registrar shall then send for the original record from the Chief Court, and the Registrar of the Chief Court shall, with all convenient speed, arrange for the transmission of such record to the Registrar of this Court. If printed paper-books had been prepared for use in the Chief Court, at least four copies thereof shall also be transmitted along with the original record.

4. (i) Where the appellant fails to have the record prepared with due diligence, the Registrar shall call upon him to explain this default, and, if no explanation is offered or if the explanation offered is in the opinion of the Registrar is unsatisfactory, the Registrar may issue a summon to the appellant calling upon him to show cause before the Court at a time to be specified in the said summons why the leave to appeal should not be rescinded. The respondent shall be entitled to be heard before the Court in the matter of the said summons and to ask for his costs and such other relief as he may be advised. The Court may, after considering the matter of the said summons, rescind the grant of leave to appeal, or give such other directions as the justice of the case may require.

(ii) The respondent shall show due diligence in the matter so far as is required of him, but negligence on his part will not excuse delay in completion of the record for which the appellant is primarily responsible.

5. In the preparation of the record the printed paper books prepared for the use of the Chief Court may be included, if sufficient number of such paper books is available.

6. Within thirty days from the date of grant of leave to appeal, the appellant shall pay Court-Fee in respect of the appeal according to the scale laid down in item No. 2 of Part-I of the First Schedule to these Rules.

7. Every appellant and each respondent who has entered an appearance shall be entitled to receive for his use, copies of the paper book.

8. The parties shall be severally responsible for placing on the paper book to be used at the hearing all documents that may be necessary for the due appreciation of the case. In case of objection by any party to the inclusion or non-inclusion of any document which is desired by any other party, such document shall be included but at the cost of the party desiring such inclusion, provided that if the Court, when deciding the appeal, considers that any document so included, was either inadmissible in evidence, or wholly irrelevant or unnecessary for the purpose of the appeal, the costs incurred in respect of such document shall be borne exclusively by the party at whose instance such document was included.

9. As soon as the record has been made ready, the Registrar shall require the parties, who have entered appearance, to certify the record to be correct and complete. The parties shall, thereafter, under the directions of the Registrar take, with due diligence, further steps required to be taken under these Rules preliminary to the hearing of the appeal.

10. Except where otherwise ordered by the Court, the provisions contained in these Rules shall not be applicable where a petition on grant of leave to appeal has been converted into an appeal by the Court and disposed of accordingly. The appeal shall, however, be registered.

ORDER XV

WITHDRAWAL OF APPEAL, NON-PROSECUTION OF APPEAL CHANGE OF PARTIES.

1. Where an appellant desires to withdraw his appeal, he shall make and application to that effect to the Court. The costs of the appeal and the security, entered into by the appellant, if any, shall then be dealt with in such manner as the Court may deem fit.

2. If an appellant fails to take any steps in the appeal within the time fixed for the same by these Rules, or, if, no time is specified, it appears to the Registrar that the appellant is not prosecuting his appeal with due diligence, the Registrar shall call upon him to show cause why the appeal should not be fixed before the Court for dismissal on account of non-prosecution.

3. The Registrar shall send a copy of summons mentioned in the last preceding Rule to every respondent who has entered an appearance and every such respondent shall be entitled to be heard before the Court and ask for his costs and to other relief.

4. The Court may, after hearing the parties, dismiss the appeal for non-prosecution or give such other directions thereon, as the justice of the case may require.

5. An appellant whose appeal has been dismissed for non-prosecution may, within thirty days of the order, present a petition praying that the appeal may be restored and the Court may, after giving notice of such application to the respondent, who had

entered appearance in the appeal, restore the appeal if sufficient cause is shown on such terms as to costs or otherwise as it deems fit.

Provided that the Court may for sufficient cause extend the time for making such an application.

6. Where at any time after the grant of leave to appeal the record is found to be or becomes defective by reason of the death or change of status of a person who was a party to the decree or other decision by the lower Court, it shall be the duty of the appellant to make an application in that behalf, and the Court, may on such application, or on application, by any other person interested, grant a certificate showing who in the opinion of the Court, is the proper person to be substituted or entered on the records, in place of, or in addition to, the party on the record, and name of such person shall thereupon be deemed to be so substituted or entered on the record as aforesaid.

7. An application to bring on record the legal representative of an appellant or a respondent, who has died or suffered a change of status, shall be made within 90 days of such occurrence:

Provided that the Court may, for sufficient cause extend the time.

ORDER XVI

APPEARANCE BY RESPONDENT

1. The respondent shall enter an appearance within 30 days of the receipt of the notice from the Registrar regarding grant of leave to appeal to the appellant, under Rule 2, Order XVI, but he may enter an appearance at any time before the hearing of the appeal on such terms as the Court may deem fit.

2. The respondent shall forthwith after entering an appearance give notice thereof to the appellant and endorse a copy of such notice to the Registrar.

3. Where there are two or more respondents, and only one, or some, of them enter an appearance, the Appearance Form shall set out the names of the appearing respondents.

4. Two or more respondents may, at their own risk as to cost, enter separate appearance in the appeal.

5. A respondent who has not entered appearance shall not be entitled to receive any notice relating to the appeal from the Registrar.

6. Where a respondent fails to enter appearance in an appeal within 30 days of service upon him of the notice issued by the Registrar under Rule 10 of the Order XIV of the Rules of the appeal may be set down ex-parte as against the said non-appearing

respondent. The Registrar shall give notice of the appeal having been set down ex-parte to the non-appearing respondent.

Provided that the Court may condone the delay and grant such further time to the non-appearing respondent as it may deem fit.

ORDER XVII
PETITIONS GENERALLY

1. All petitions shall consist of paragraphs numbered consecutively and shall be fairly and legibly written, type-written or lithographed on one side of standard petition paper demyfoolscap size or on paper ordinarily used in the Chief Court for transcribing petitions, Court appealed from, the full title and the Supreme Appellate Court number of appeal to which the petition relates, or the full title of the petition as the case may be and the name address of the petitioner. Unless the petition is a Consent Petition within the meaning of Rule 8 of this Order at least three copies thereof shall be filed.

2. Where petition is expected to be filed or has been filed, which does not relate to any appeal pending in the Registry, any person claiming a right to appear before this Court on the hearing of such petition may lodge a caveat in the matter thereof, and shall thereupon be entitled to receive from the Registrar notice of the filing of the petition, if at the time, of the lodging of the caveat such petition has not yet been filed and, if and when the petition has been filed, to require the petitioner to serve him with a copy of the petition and to furnish him, at his own expense, with copies of any papers filed, by the petitioner in support of his petition. The caveator shall forthwith, after lodging his caveat give notice thereof to the petitioner, if the petition has been filed.

3. Where a petition is filed in the matter of any appeal pending in the Registry, the petitioner shall serve any party who has entered an appearance in the appeal, with a copy of such petition and the party so served shall thereupon be entitled to require the petitioner to furnish him, at the expense of the said party, with copies of any papers filed by the petitioner in support of his petition.

4. A petition not relating to any appeal pending in the Registry and any other petition containing allegations of fact which cannot be verified by reference to the record or any certificate or duly authenticated statement of the Court appealed from, shall be supported by an affidavit. Where the petitioner prosecutes his petition in person, the said affidavit shall be sworn by the petitioner himself and shall state therein that to the best of the dependent knowledge, information and belief, the allegations contained in the petition are true.

5. The Registrar may refuse to receive a petition on the grounds that⁵ it has not been filed in accordance with the Rules or is frivolous or contains scandalous matter, but the petitioner may appeal from such refusal to the Judge in Chambers within fourteen days.

6. As soon as a petition and all necessary documents are filed the petition shall be registered.

7. Subject to the provisions of Rule 5 of Order XIII, and the next following rule, the Registrar shall, as soon as the Court has appointed a day for the hearing of a petition, notify all parties concerned of the day so appointed.

8. Where the prayer made in a petition is consented to in writing by the opposite party, or where a petition is of a formal and non contentious character, the Court may, if it deems fit, make an order thereon, without requiring the attendance of the opposite party, and the Registrar shall not in any such case issue notice as provided by the last preceding rule, but shall, with all convenient speed, after the Court has made its order, notify the parties concerned that the order has been made and the date and nature of such order.

9. A petitioner who desires to withdraw his petition shall give notice in writing to that effect to the Registrar. Where the petition is opposed, the opponent shall, subject to any agreement between the parties to the contrary, be entitled to apply to the Court for his costs, but where the petition is unopposed, or where, in the case of an opposed petition, the parties have come to an agreement as to the costs of the petition, the petition may, if the Court deems fit, be disposed of in the same way *mutatis mutandis* as a Consent Petition under the provisions of the last preceding rule.

10. Where the petitioner unduly delays bringing a petition to a hearing, the Registrar shall call upon him to explain the delay and if no explanation is offered, or if the explanation offered is, in the opinion of the Registrar, unsatisfactory, the Registrar may, after notifying all parties interested, place the petition before the Court for such directions as the Court may deem fit to give thereon.

11. At the hearing of a petition not more than one counsel shall be allowed to be heard on one side.

12. Where in the opinion of the Court a petition or application is frivolous or vexatious, the Court may direct the petitioner or applicant to deposit forthwith a specified amount as costs of the proceedings, which may be forfeited or paid to the opposite party in the discretion of the Court.

ORDER XVIII

LODGING OF CONCISE STATEMENT AND SUPPLEMENT PROCEEDINGS

1. The appellant and the respondent may lodge in the Registry the required number of copies of their concise statements of the facts of the case and of the arguments upon which they propose to rely at any time before the appeal is set down for hearing

2. Two or more respondents may, at their own risk as to costs, file separate concise statements in the same appeal.

3. Each party shall after filing his concise statement, forthwith give notice thereof to the other party, and shall thereafter be entitled to receive two copies of the concise statement filed by the opposite party on his applying therefore.

4. The concise statement shall consist of paragraphs numbered consecutively and shall state, as precisely as possible in chronological order, the principle steps in the proceedings leading up to the appeal from the commencement thereof down to the admission of the appeal, and thereafter, the contentions to be urged by the party filing the same, and the reasons, therefore, and shall be printed or neatly typed with quarter margin, on one side of standard petition paper of the same size as the printed record. Reference by page and line to the relevant portions of the record as printed shall, as far as practicable be printed or typed in the margin, and care shall be taken to avoid, as far as possible, the reproduction in the concise statement of long extracts from the record. The counsel preparing the concise statement shall also cite all previous decisions of the Supreme Court of Pakistan and Supreme Appellate Court Gilgit-Baltistan to the best of their knowledge, bearing on the question proposed to be raised in the appeal, the Taxing Officer in taxing the costs of the appeal shall, either of his own motion or at the instance of the opposite party, inquire into any unnecessary prolixity in the concise statement, and may disallow the costs occasioned thereby.

5. The paper book of the appeal shall be arranged in the following order:-
 (1) Printed or typed record;
 (2) Supplementary record, if any;
 (3) Appellant's concise statements if any; and
 (4) Respondent's concise statement, if any.

The front cover shall bear a printed label stating the title and Supreme Appellate Court Gilgit-Baltistan number of the appeal; the contents of the volume and the names and addresses of the parties. The short title and the Supreme Appellate Court Gilgit-Baltistan number of the appeal shall also be shown at the back.

ORDER XIX **HEARING OF APPEALS**

1. All appeals filed in the Registry shall, as far as possible be heard in the order in which they are set down.

2. Adjournment of cases of all kinds for hearing shall only be granted on proper application filed by Advocate, except where it is sought by a party conducting his case in person.

3. The Registrar shall, subject to the provisions of Order XVI notify the parties to the appeal of the date fixed for the heard on one side.

4. Subject to the directions of the Court, at the hearing of an appeal not more than one Advocate shall be heard on one side.

5. The appellant shall not, without the leave of the Court, rely at the hearing on any grounds not specified in his petition of appeal and the concise statement.

6. Where the Court, after hearing an appeal, decides to reserve its judgment therein, the Registrar shall notify the parties concerned of the day appointed by the Court for the announcement of the judgment.

ORDER XX
MISCELLANEOUS

1. The filing of a petition for leave to appeal or an appeal shall not prevent execution of the decree or order appealed against, but the Court may, subject to such terms and conditions as it may deem fit to impose, order a stay of execution of the decree or order, or order a stay of proceedings, in any case under appeal to this Court.

2. A respondent may apply for the Summary determination of an appeal on the ground that it is frivolous or vexatious, or has been brought for the purpose of delay, and the Court shall make such order thereon as it deems fit.

3. A party to an appeal who appears in person shall furnish the Registrar with an address for service and all documents left at that address, or sent by registered post to that address, shall be deemed to have been duly served.

ORDER XXI
PAUPER, APPEALS, PETITIONS, ETC.

1. The provisions of Order XLIV in the First Schedule to the code shall, with necessary modifications and adaptation, apply in the case of any persons seeking to appeal to the Court as a pauper.

2. An application for permission to proceed as a pauper shall be made on petition, setting out concisely in separate paragraphs, the facts of the case and the relief prayed, and shall be accompanied by a certificate of counsel that the petitioner has reasonable grounds of appeal. It shall be also accompanied by an affidavit from the petitioner disclosing all the property to which he is entitled and the value thereof, other than his necessary wearing apparel and his interest in the subject-matter of the intended appeal, and stating that he is unable to provide sureties, and pay Court-fees. The Registrar on satisfying himself that the petition is in order, may himself inquire into the pauperism of the petitioner after notice to the other parties in the case and to the Attorney-General, or refer the matter to the Registrar of Gilgit-Baltistan Chief Court, and the Gilgit-Baltistan Chief Court investigate into the pauperism after notice to the parties interested and made a report thereon within thirty days after the receipt of the reference from this Court.

Provided that no reference as aforesaid shall be necessary where the petitioner had been permitted to prosecute his appeal in forma pauperism in the Court appealed from.

3. The Court may allow an appeal to be continued in forma pauperism after it has begun in the ordinary form.
4. Where the petitioner obtains leave of the Court to appeal as a pauper he shall not be required to pay Court-fees or to lodge security for the costs of the respondent.
5. Where the appellant succeeds in the appeal, the Registrar shall calculate the amount of court-fees which would have been paid by the appellants if he had not been permitted to appeal as a pauper and incorporate it in the decree or order of the Court; such amount shall be recoverable by the Federal Government from any party ordered by the Court to pay the same, and shall be the first charge on the subject-matter of appeal.
6. Where the appellant fails in the appeal or is dispaupered the Court may order the appellant to pay the Court-fees, which would have been paid by him, if he had not been permitted to appeal as a pauper.
7. The Federal Government shall have the right at any time to apply to the Court to make an order for the payment of proper court-fees due and payable by the pauper.

ORDER XXII
CRIMINAL APPEALS UNDER ARTICLE 60 OF GILGIT-BALTISTAN
(EMPOWERMENT & SELF GOVERNANCE ORDER), 2009

1. Criminal Appeals shall be lodged within thirty days from the date of judgment or final order appealed from or within thirty days from the date of the certificate of the Gilgit-Baltistan Chief Court.

Provided that the Court may for sufficient cause extend the time.

2. The appeals shall be in the form of a petition in writing, which shall be accompanied by a certified copy of the judgment or final order appealed against. The appellant shall file at least four copies of his petition and the accompanying documents for inclusion in the paper book of the appeal.
3. The appellant, if he is in jail, may present his petition of appeal and the accompanying document to the Officer-in-Charge of Jail, who shall forward them forthwith to the Registrar of this Court.
4. On the receipt of the petition of appeal, the Registrar, shall cause notice of the appeal to be given to the Advocate-General and in cases where the appeal is by the Government to the accused and shall also furnish the Advocate-General with a copy of

petition of appeal and or the accused, as the case may be, with a copy of the petition of the appeal and the accompanying documents.

5. The Registrar shall thereafter send a copy of the petition of appeal to the Gilgit-Baltistan Chief Court for its record, and require the Registrar of the Gilgit-Baltistan Chief Court to transmit to this Court the original record of the appeal along-with the records of the Court below with all convenient speed. In case where paper books of the appeal were printed/typed for use in the Gilgit-Baltistan Chief Court, 4 copies thereof, or such shall also be transmitted along-with the original record. The record shall be prepared at the expense of the appellant, unless Court orders otherwise, but in appeals involving sentence of death, or imprisonment for life the record shall be prepared at the expense of the Government of the Province concerned.

6. In a pauper case, the Court may direct the engagement of an Advocate so engaged shall be as specified in Part 1 of the Second Schedule.

7. Due notice shall be given to the parties concerned of the date fixed for the hearing of the appeal. The accused may, where he so desires, present his case by submitting his arguments in writing and the Court shall consider the same at the hearing of the appeal.

8. The Court may, where it thinks fit so to do in the interest of justice, direct the production of an accused person at the hearing of the appeal.

9. After the disposal of the appeal the Registrar shall, with the utmost expedition, send a copy of the Court's judgment or order to the Gilgit-Baltistan Chief Court.

10. Pending the disposal of any appeal under this Order the Court may Order that the execution of the sentence or order appealed against be stayed on such terms as the Court may think fit.

11. In criminal proceedings, no security for costs shall be required to be deposited and no court-fee, process fee or search fee shall be charged except

12. Save as aforesaid the provisions contained in the preceding Orders in this Part shall, mutatis mutandis apply, so far as may be, to criminal appeals under this Order, except that concise statement will not be filed in Criminal Appeals unless order by the Court.

ORDER XXIII
PETITIONS FOR LEAVE TO APPEAL AND APPEALS ARISING THERE
FORM IN CRIMINAL PROCEEDINGS.

1. Save as hereinafter provide the provision with respect to petitions for leave to appeal in civil proceedings contained in Order XIII of this part shall mutatis mutandis apply to petitions for leave to appeal in criminal matters except that no court-

fee, process fee or search fee shall be charge³d but the copying fee shall be charged except in petitions through jail.

2. A petition for leave to appeal in criminal matter shall be lodged within 30 days from the date of judgment or final order sought to be appealed from, or as the case may be from the date of the order refusing certificate by Gilgit-Baltistan Chief Court.

Provided that the period of Limitation for a petition for leave to appeal by the Advocate General against the judgment or order of acquittal shall be 60 days from the date of such judgment or order:

Provided further that the Court may, for sufficient cause shown, extend, the time.

3. The petitioner, if he is in jail, may present his petition for leave to appeal in respect of his own conviction along-with the accompanying documents, including any written arguments which he may desired to Advocate, to the Office-in-charge of the Jail who shall forthwith forward them to the Registrar.

4. Except in cases involving the sentence of death, the Registrar shall place the petition and the accompanying documents so received before the Court, and the Court may upon perusal of the papers, reject the petition summarily without hearing the petitioner in person, if it considers that there is no sufficient ground for granting leave to appeal.

5. In case of a petition for leave to appeal involving a sentence of death the Registrar shall as soon as the petition is filed or received from the Officer-in-Charge of a Jail, intimate the fact of the petition having been filed/received in the Court to the Government and thereupon the execution of the sentence of death shall be stayed pending the disposal of the petition, without any express order of the Court in this behalf.

Provided that unless otherwise ordered by the Court this rule shall not apply to the petitions filed on behalf of a condemned prisoner, who has exhausted all his legal remedies by way of the petition for leave to appeal, appeal or review in this Court and whose mercy petition has been rejected by the concerned authorities.

6. As soon as necessary documents are available the Registrar shall, if the petitioner has been sentenced to death, assign an Advocate from a penal of amicus curiae Advocate, and place the petition before the Court for hearing. The fee of the Advocate so assigned shall be Rs. 1000/- or such amount as may be fixed by the Court hearing the petition.

7. Pending the disposal if the petition under this Order, the Court may direct that execution of any order for imprisonment or fine, against which leave to appeal is sought, be stayed, on such terms as the Court may deem fit:

Provided that unless surrender is first made to an order of imprisonment, as above, the petition shall not be entertained:

Provided further, petitions involving bail before arrest may be entertained and posted for hearing if the petitioner undertakes to appear and surrender in Court.

8. In case the Court grants leave to appeal in a petition against acquittal, the Court may direct that the respondent shall be arrested forthwith and detained in judicial custody pending final disposal of the appeal. During such detention, the respondent shall be treated as an under-trial prisoner.

9. After the grant of petition or application for leave to appeal by the Court the Registrar shall transmit a certified copy of the order to the Court appealed from. The Court appealed from shall then arrange for the transmission of the original record of the appeal including the records of the Courts below with all convenient speed. In cases where paper books of the appeal were printed/typed for use in the Gilgit-Baltistan Chief Court, 12 copies thereof, or such lesser number as the Registrar may specify, shall also be transmitted along-with the original record.

10. The paper books for use in Supreme Appellate Court Gilgit-Baltistan shall be prepared at the expense of the appellant unless otherwise ordered by the Court, but in cases involving sentence of death or imprisonment for life, these shall be prepared at the expense of the Government.

11. The Provisions contained in Order XXII shall so far as practicable, apply to criminal appeals arising under this Order except that the record shall be prepared at the expense of the appellant.

PART III

ORDER XXIV

PETITIONS FOR LEAVE TO APPEAL UNDER ARTICLE 60 OF GILGIT-BALTISTAN (EMPOWERMENT & SELF GOVERNANCE ORDER) 2009.

1. A petition for leave to appeal from the judgment, decree or order of an Administrative Court or Service Tribunal shall specify succinctly in separate paragraphs, the substantial questions of law of public importance upon which leave is sought and, in other respects, the provisions of Order XIII or Xxi of these Rules shall apply mutatis mutandis to such petition or appeal, as the case may, except that no security for costs shall be required to be deposited and no Court-fee, Process Fee, Search Fee or Copying Fee shall be charged.

PART IV
APPLICATION FOR ENFORCEMENT OF FUNDAMENTAL RIGHTS
UNDER ARTICLE 61 OF GILGIT-BALTISTAN (EMPOWERMENT & SELF
GOVERNANCE ORDER) 2009

A. **HABEAS CORPUS.**

1. An application for a Writ Petition of habeas corpus shall be filed in the Registry and shall be accompanied by an affidavit by the person restrained, stating that the application is made at his instance and setting out the nature and circumstances of the restraint. The Gilgit-Baltistan Chief Court for the same relief and, if so, with what result:

Provided that where the person restrained is unable to owing to the restraint to make the affidavit, the application shall be accompanied by an affidavit to the like effect made by some other person, who shall state the reason why the person restrained is unable to make the affidavit himself.

2. The application shall be heard by a Bench consisting of not less than two Judges.
3. If the Court is of opinion that a prima facie case for granting the application is made out, rule nisi shall be issued calling upon the person or persons against whom the order is sought, to appear on a day to be named herein to show cause why such order should not be made and at the same time to produce in Court the body of the person or persons alleged to be illegally or improperly detained then and there to be dealt with according to law.
4. On the return day of such rule or any day to which the hearing thereof may be adjourned, the Court shall, after hearing such parties as are present and wish to be heard, make such order as in the circumstances it considers to be just and proper.
5. In disposing of any such rule, the Court may, in its discretion, make such order for costs as it may consider just.

Mandamus, Prohibition, Certiorari, Qua Warranto, etc.

6. An application for the enforcement of any other fundamental right shall be filed in the Registry. It shall set out the name description of the application, the relief sought, and the grounds on which it is sought, and the grounds on which it is sought, and shall be accompanied by an affidavit verifying the facts relied on, and at least eight copies of the said application and affidavit shall be lodged in the Registry. It shall also state whether the application has moved the Gilgit-Baltistan Chief Court for the same relief and, if so, with what result. The application shall be made by notice of motion, but the Registrar

may in appropriate cases put up the application before the Court for orders as to the issue of notice.

7. Such application shall be heard by a Bench consisting of not less than two Judges of the Court. Unless the Court otherwise directs, there shall be at least eight clear days between the service of the notice of motion and the day named therein for the hearing of the motion.

8. Copies of the said application and the affidavit in support thereof shall be served with the notice of motion and every party to the proceeding shall apply to any other party, on demand and on payment of the proper charges, copies of any affidavit filed by him.

9. The notice shall be served on all persons directly affected and on such other persons as the Court may directly affected and on such other persons as the Court may direct:

Provided that on the hearing of any such motion, any person who desires to be heard in opposition to the motion and appears to he Court to be a proper person to be heard shall be heard, notwithstanding that he has not been served with the notice of motion and shall be liable to costs in the discretion of the Court.

10. The Court may in such proceedings impose such terms as to costs and as to the giving of security as it deems fit.

11. The provisions of Order XVII relating to petitions shall, so far as may be applicable, apply to applications under this Order.

B. | ISSUE AND EXECUTION OF PROCESSES OF SUPREME APPELLATE COURT UNDER ARTICLE 62 OF GILGIT-BALTISTAN (EMPOWERMENT & SELF GOVERNANCE ORDER) 2009.

Article 62:-

Issue and execution of processes of Supreme Appellate Court.----(1) The Supreme Appellate Court shall have powers to issue such directions, orders or decrees as may be necessary for doing complete Justice in any case or matter pending before it including an order for the purpose of securing the attendance of any person or the discovery or production of any document.

(2) Any such direction, order or decree shall be enforceable throughout Gilgit-Baltistan a if it has been issued by the Gilgit-Baltistan Chief Court.

(3) All executive and judicial authorities throughout Gilgit-Baltistan shall act in aid of the Supreme Appellate Court.

(4) Subject to this order and Law, the Supreme Appellate Court may. In consultation with the Council, make rules regulating the practice and procedure of the Court:

Provided that till the new rules are framed, the rules framed by the Supreme Appellate Court shall, so far as they are not inconsistent with this Order and any other law, deemed to have been made by the Supreme Appellate Court until altered or amended and reference to the Supreme Appellate Court in these rules shall be construed to be referred to the Supreme Appellate Court.

ARTICLE 63:-

Decisions of Supreme Appellate Court binding on other Courts.----- Any decision of the Supreme Appellate Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other Court in the Gilgit-Baltistan.

ORDER XXVI
REVIEW UNDER ARTICLE 65 OF
GILGIT-BALTISTAN (EMPOWERMENT & SELF GOVERNANCE ORDER)
2009.

1. Subject to the law and the practice of the Court, the Court may review its judgment or order in a Civil proceeding on grounds similar to those mentioned in Order XLVII, rule 1 of the code and in a Criminal proceeding on the ground of an error apparent on the face of the record.
2. Application for review shall be filed in the Registry within thirty days after pronouncement of the judgment, or as the case may be, the making of the order, which is sought to be reviewed. The applicant shall after filing the application for review, forthwith give notice thereof to the other party and endorse a copy of such notice to the Registry.
3. Every application for review shall be accompanied by a certified copy of the judgment or order complained of, and when the application proceeds on the ground of a discovery of fresh evidence, certified copies of the documents, if any, relied upon shall be annexed to the application together with an affidavit setting forth the circumstances under which such discovery has been made.
4. The Advocate signing the application shall specify in brief the points upon which the prayer for review is based and shall add a certificate to the effect that consistently with the law and practice of the Court, a review would be justifiable in the case. The certificate shall be in the form of a reasoned opinion.
5. In case the Court comes to the conclusion that the Review Application filed was vexatious or frivolous, the Advocate drawing the application shall render himself liable to disciplinary action.
6. Except with the special leave of the Court, no application for review shall be entertained unless it is drawn by the Advocate who appeared at the hearing of

the case in which the judgment or order, sought to be reviewed, was made. Nor shall any other Advocate, except such Advocate, be heard in support of the application for review, unless the Court has dispensed with the requirement aforesaid.

7. No application for review shall be entertained unless party seeking review furnishes cash security of Rs.3, 000/- which shall stand forfeited, if the Review Petition is contested.
8. Application for review shall be posted before the same bench that delivered the judgment or order sought to be reviewed.
 - (i) However the Chief Judge in his discretion may mark the case to smaller or larger bench (Full Bench/D.B./S.B.) for other good reasons provided the author of the original judgment instrumental to the present proceedings under review is included.
 - (ii) In case bench which delivered the judgment is not available and there is no chance of same bench to be constituted, the Chief Judge can entrust the review petition to new bench.
9. Subsequent application for review shall lie in a fit case under special circumstance
 - i.e. if it is not entertained by the same bench or the bench covered under rule 8 *ibid*.

PART V
ORDER XXVII
PROCEEDING IN RELATION TO THE CONTEMPT OF COURT
UNDER ARTICAL 75 OF GILGIT-BALTISTAN (EMPOWERMENT & SELF
GOVERNANCE ORDER) 2009.

1. The Court may take cognizance of its contempt *Suo Motu* or on a petition by the aggrieved person:
 Provided that where the alleged contempt consists of willful disobedience of any judgment, decree, direction, order, writ, or other process of the Court or a breach of an undertaking given to the Court or a Judge in Chambers, the Court may take cognizance *Suo Motu* or on a petition by the aggrieved person.
2. A petition for proceedings under this Order shall be registered as original petition and the
 Provisions of Order VI Part-I shall apply as nearly as may be.
3. The petition shall state succinctly and clearly all relevant facts constituting the contempt of the Court and shall be supported by an affidavit of the petitioner, if any.
4. A contempt application shall be heard by any bench of this Court constituted by the Chief Judge.
 However it shall be most appropriate that bench bearing the contempt application include the author of the judgment under contempt proceedings subject to provisions contained in the Contempt of Court Act, 1976 amended upto date.

5. Notice of the petition along with the statement of allegations and affidavit, if any, shall be served on the person complained against hereinafter called the respondent. The notice shall require the respondent to appear in person and unless the Court otherwise directs, he shall appear on each subsequent hearing and, if so required shall enter into recognizance with one or more sureties.
6. Where the alleged contempt consist of willful disobedience of a judgment, decree, direction, order, writ or other process of the Court or a breach of an undertaking given to the Court or a judge in Chambers by a company registered under the Companies Act, 1913 or a responsible for the conduct of the company, corporation or firm as the case may be.
7. Where the Court is satisfied by an affidavit or otherwise, that the respondent is avoiding service, it may direct issuance ofailable or non-ailable warrants for his arrest.
8. (1) Where the contempt consists of words or acts or visible signs which tend to prejudice a party to a proceeding before the Court or tend to scandalize the Court or any Judge or otherwise tend to bring the Court or a Judge in relation to his office hatred, ridicule or contempt, the matter shall, in the first instance, be placed before the Chief Judge and the such Judge as the Chief Judge may nominate, to consider the expediency or propriety of taking action in the matter.
(2) If the Chief Judge and Judges referred to in sub-rule (1) decide that action should be taken in the matter, a notice of the proceedings shall be issued to the Attorney-General who shall be under bounden duty to conduct the proceedings under notice.
9. (1) The respondent shall, on the first hearing, file a written statement in reply to the allegations against him and shall be afforded reasonable opportunity to adduce evidence in his defence, if he so desires.
(2) No oath shall be administered to the respondent unless he chooses to appear as his own witness.
10. Notwithstanding anything contained in this Order, where the contempt is committed in front of the Court or a Judge in Chambers, the Court or the Judge, as the case may be, may proceed forthwith to determine the guilt of the respondent and award him punishment under the law.
11. If at any time during the pendency of the proceedings under this Order or thereafter but before the execution of the sentence, the respondent tenders unqualified apology, the Court may consider such apology and make such Order as it considers fit.
12. The Court may award such costs as it deems fit in the circumstances of the case. The costs if any, shall be recovered as fine under the code of Criminal Procedure, 1882.

PART VI
ORDER XXVIII
COSTS.

1. Subject to any provision of any statute or of these Rules, the costs of an incidental to all proceedings shall be in the discretion of the Court. Unless the Court otherwise order an intervener shall not be entitled to costs.
2. where it appears that the hearing of any appeal or matter cannot conveniently proceed by reason of the neglect of the Advocate of any party to attend personally, or by some proper person on his behalf, or because of his omission to deliver any paper necessary for the use of the Court which ought to have been delivered, the Advocate shall personally pay to all or any of the parties such costs as the Court may think fit to award.

PART VII
MISCELLANEOUS
ORDER XXIX
NOTICE OF PROCEEDING TO LAW OFFICERS OF THE STATE

- 1.The Court may direct notice of any proceedings to be given to the Attorney General or the Advocate General of Gilgit-Baltistan, and the Attorney General or the Advocate General to whom such notice is given may appear, and shall do so if required by the Court.
- 2.The Attorney General or the Advocate General of Gilgit-Baltistan may apply to be heard in any proceedings before the Court and the Court may, if in its opinion the Justice of the case so requires, permit the Attorney General or Advocate General so applying to appear and be heard, subject to such terms as to costs or otherwise as the Court may thing fit.
- 3.For the purpose of this Order, the expression “Attorney General” of Pakistan includes a Deputy Attorney General.

ORDER XXX
FORMS TO BE USED

- 1.Every Writ, Summons, Order Warrants or other mandatory process shall be signed by the Registrar with the day and the year of signing, and shall be sealed with the seal of the Court.

2. The forms set out in the Forth Schedule to these Rules, or forms substantially to the like effect with such variation as the circumstances of each case may require, shall be used in all cases where those forms are appropriate.

ORDER XXXI
SERVICE OF DOCUMENTS

1. Except where otherwise provided by Statute or prescribed by these Rules, orders or other documents require to be given to, or served on, any person shall be served in the manner provided by the Code for the service of summons.
2. Service of any notice, order or other document on the Advocate of any party may be affected by delivering it to the Advocate or by leaving it at his place of business, or by sending to his address by registered post.
3. Service of any notice, order or other document upon a person, other than an Advocate residing at a place within the territories of Pakistan, between which place and the seat of the Court there is communication by registered post, may be affected by posting copy of the document required to be served in a pre-paid envelop registered for acknowledgement, addressed to the party or person at the place where he ordinarily resides:

Provided that the Registrar may direct in a particular case or class of cases, that the service shall be affected in the manner provided by the Code for the service of summons.

4. A document served by post shall be deemed to be served at the time at which it could have been delivered in the ordinary course of post.
5. Except where the notice or process has been served through Registry, the party required to effect the service shall file an affidavit of service, along with such proof thereof as may be available, stating the manner in which the service has been effected.
6. Where the notice, order or other document has been served through another Court, the service may be proved by the deposition or affidavit of the serving officer made before the Court through which the service was effected.
7. Service effected after Court hours shall for the purpose of computing any period of time subsequent to that service be deemed to have been effected on the following day.

ORDER XXXII
COMMISSIONS

1. Order XXVI in the First Schedule to the Code with respect to commission shall apply except rule 13, 14, 19, 20 and 22
2. An application for the issue of a commission may be made by summons in Chambers after notice to all parties who have appeared, or ex parte where there has been no appearance.
3. The Court may when the commission is not one for examination on interrogatories, order that the commissioners shall have all the powers of a Court under Chapter X of the Evidence Act, 1872 to decide question as to the admissibility of evidence and to disallow any question put to a witness.
4. The Commission shall record a question disallowed by him and the answer thereto, but the same shall not be admitted in evidence until the Court so directs.
5. Unless otherwise ordered the party, at whose instance the commission is ordered to issue, shall lodge in the court copies of the pleading and issues in the case within twenty four hours of the making of the order and those copies shall be annexed to the commission when issued.
6. Any party aggrieved by the decision of the commission refusing to admit documentary evidence may apply to the Court within a period of fourteen days of the date of the submission of the report to set aside the decision and for direction to the Commissioner to admit the evidence.
7. After the deposition of any witness has been taken down and before it is signed by him, it shall be read over and, where necessary, translated to the witness. Every page of the deposition shall be signed by him and left with the Commissioner who shall subscribe his name and the date of the examination.
8. Commissioner shall be made returnable within such time as the Court may direct.

ORDER XXXIII
INHERENT POWERS

1. The Court or any Judge or Judges thereof may, for sufficient cause shown, excuse the parties from compliance with any of the requirements of these Rules, and may give such directions in matter of practice and procedure as it shall consider just an expedient.
2. An application to be excused from compliance with the requirements of any of the Rules is addressed in the first instance to the Registrar, who shall take the directions of the Court or of any Judge or Judges thereof and communicate the same to the party or parties as the case may be.
3. The Court may enlarge or bridge any time appointed by these Rules, or fixed by any order enlarging time, for doing any act or taking any proceedings, upon such terms (if any) as the justice of the case may require, and any enlargement may be ordered, although the application therefore is not made until after the expiration of the time appointed or allowed.

4. The Court may at any time, either of its own motion or on the application of any party, make such orders as may be necessary or reasonable in respect of any of the matters mentioned in these rules, may issue summons to persons whose attendance is required either to give evidence or to produce documents, or order any fact to be proved by affidavit.
5. The Court shall have power to pass any decree and make any order which ought to have been passed or made and to pass or make such further or other decree or orders as the case may require, and this power may be exercised by the Court notwithstanding that the appeal is as to part only of the decree and may be exercised in favour of all or any of the respondents or parties, although such respondents or parties may not have filed any appeal or objection.
6. Nothing in these Rules shall be deemed to limit or otherwise affect the inherent powers of the Court to make such orders as may be necessary for the ends of the justice or to prevent abuse of the process of the Court.
7. Where at any stage of the proceedings in the Court, there has been a failure to comply with these Rules, the failure shall be treated as an irregularity and shall not nullify the proceedings or the judgment. The Court may on such terms as to costs or otherwise, as it thinks just set aside either wholly or in part the proceedings in which failure has occurred.

ORDER XXXIV
DESTRUCTION OF RECORDS

1. There shall be an index of the records in every case in the form prescribed below:

Index of Papers

CIVIL APPEAL No. _____ Of _____ 20
Or Criminal Appeal No. _____ Of _____ or
Petition

CAUSE TITLE

Sr. Remarks No.	Date of filing The paper in The Record	Description of papers.	No. of the Part to which it belong

2. The record in each case shall be divided into two parts, Part 1 to be preserved permanently and Part 2 to be preserved for a period of three years.

3. Each paper as and when it is filed in the record, shall be numbered and entitled in the Index and classified under the appropriate part to which it belongs.
4. The period for which any particular record is to be preserved shall be reckoned from the date of the final decree or order in the proceeding to which the record belongs, and in case Review is filed against the decree or order, from the date of the final decree or order made in review. In the case of registers, the period shall be reckoned from the date of the last entry in the Register.
5. The Registrar may direct that any paper assigned to Part II be transferred to Part I for being preserved permanently.
6. Records which do not fall under Part I or Part II as classified below, shall be referred to the Registrar who shall decide the part under which they should be included.
7. When the record is ripe for destruction, it shall either be burnt or sold as wastepaper, as the Registrar may in his discretion direct.
8. Where the record is sold a waste-paper, the sale proceeds shall be credited to Government.
9. As soon as a record is destroyed, a note shall be made in the Index against the record showing that it has been destroyed and the date of destruction.

PART I

10. The following papers shall be included under Part 1 (to be preserved permanently):-
 1. Index.
 2. Judgment.
 3. Decree or Order.
 4. Order for costs.
 5. Pleading (Plaint, written statement, set-off and counter-claim)
 6. Authenticated copy of the printed record.
 7. Petition of appeal.
 8. Concise Statement.
 9. Original Petitions including leave petitions.
 10. Interlocutory application other than applications for condonation of delay and other formal applications.
 11. Orders on petitions. Memorandum of compromise.
 12. Memorandum of compromise.
 13. Title deeds, if any, remaining unreturned to any party.
 14. Any other records or papers which the Registrar may direct to be included in this part.

Registers:-

1. Minutes Books.
2. Registers of Civil and Criminal appeals leave petition, and miscellaneous petitions and matters.
3. Rolls of Senior Advocates, and Advocates and District Attorneys and enrolment files.

PART II

The following papers shall be included in Part II and shall be destroyed after a period of three years as indicated below:

1. Power of Attorney and memo of appearance.
2. Affidavits.
3. Applications for condonation of delay and such other formal applications.
4. Correspondence in cases.
5. Unclaimed documents filed by parties other than title deeds.
6. Office notices in the case file. Registers, files and miscellaneous.
7. Taxation files including bills of costs.
8. Register of bills of costs.
9. Dispatch Registers.
10. Surplus copies of printed records, and of pleadings and petitions.
11. Copies of summons and notices.
12. Copying Register.

ORDER XXXV
APPEALS UNDER ORDINANCE
(No II OF 1987)

1. Save, as the hereinafter provided, the provisions contained in the preceding Order shall, as far as practicable, apply to Appeals under this Order.
2. An appeal shall be lodged within seven days from the date of final judgment passed by the Special Court and it shall be disposed of by the Court within three months.
3. The appellant shall file at least six copies of the paper book containing petition of appeal and the accompanying documents at the time of lodging the appeal.
4. The appeal shall normally be heard at the main seat of the Court unless otherwise ordered by the Chief Judge.
5. After the disposal of a case under the Ordinance, the Special Court concerned shall, within seven days, forward the original record of the case to the Registrar.

6. On receipt of the petition of appeal, the Registrar shall cause notice of the appeal to be given to the respondents with a copy of the petition of appeal and the accompanying documents. The respondents may thereafter file six copies of additional documents, if necessary, within seven days.
7. An appeal under this Order may be heard and disposed of by a Bench of two Judges.

Provided that an appeal, involving sentence of death and disposed of at least three Judges:

8. In a proper case the Court may direct the engagement of an Advocate for an accused person at the cost of the provincial Government concerned.

FIRST SCHEDULE
TABLE OF COURT FEE
PART I
APPELLATE JURISDICTION

- | | |
|---|---------|
| 1. Filing and lodging petition for leave to appeal. | Rs. Ps. |
|---|---------|

2. on the appeal as provided by Order XIV rule 6 where the amount or value of the subject-matter in dispute on appeal is Rs. 15,000 or below that sum. 250.00

For every Rs. 1,000 in excess of Rs. 15,000 for every thousand rupees or part thereof. In cases where it is not possible to estimate at money value the subject matter in dispute.

Provided:

- (i) That the maximum fee payable in any case shall not exceed Rs. 2,000.
- (ii) That where an appeal is brought by leave granted by this Court credit shall be given to the appellant for the amount of court fee paid by him on the petition for leave to appeal.

3. Filing and lodging concise statement caveat.

4. Application for Review of Judgment of Order including filing half the fee paid on the original proceedings.

5. Petition to proceed in forma pauper.

Note: As fee determined by the Chief Judge.

PART II MISCELLANEOUS

1. Entering in register of appeal or matters names- of representatives of a deceased party or of a substituted or added party.
2. Summons or notice to defendant or his representative or a respondent to a petition or to a memorandum of appeal, for not more than five persons (with an additional fee of Rs. 1.00 for every person in excess of five)
3. Entering appearance
4. Amending appearance
5. Power of Attorney
6. Filing-fee every document for which a fee is not specially provided, including documents annexed as exhibits, if any, or produced with plaint or used in evidence, each document.
7. Every application to the Court not specially provided for
8. Every application to a Judge in Chambers, the Registrar, or Taxing Officer, not specially provided for.
9. Every requisition to draw up an order including fee for filling the order.
10. Warrant, writ, summons are other process not specially provided for, for not more than five persons (with an additional fee of Rs. 1 for every person in excess of five).
11. Every certificate or report of a Judge in Chambers or of Registrar on an investigation.
12. Every other certificate for which a fee is not specially provided.
13. Commission to examine witnesses or other commission.
14. Production by an Officer of the Court in any other Court or before Commissioner of records of any suit, matter or appeal,

exclusive of traveling expenses, and halting charges.

15. For production of records by post, exclusive of postage, registration and insurance fees.
16. For inquiry into sufficiency of security.
17. For every search or examination of records.
18. Every affidavit affirmed or sworn.
19. For every oath or affirmation administered to witnesses.
20. For every certified copy of decree, judgment or other document in addition to the folio or other charges.
21. Every requisition for duplicate or other copy of any document.
22. For copies of any document, per folio, less requisition fee paid.
23. For amending pleadings or other proceedings under order of the Court per folio.
24. Upon all moneys or securities paid to the Registrar or deposited with him.

A commissioner of 1 percent and 2 ½ percent on interest draw on invest money.

25. Every requisition for translation.
26. Summon by Taxing Officer.
27. Certificate by Taxing Officer.
28. Taxing each bill not exceeding 10 folios.
29. For every other folio.
30. Registering every bill of costs.
31. Certificate on review of taxation

Not: As fee determined by the Chief Judge.

SECOND SCHEDULE

FEES TO OFFICERS OF THE COURT

1. Fees of interpreter for explaining at the house of a party or any place other than the Court house, pleadings and other documents except affidavit or affirmations, where not exceeding 20 folios.
2. Fees of Registrar for taking bonds at the house of A party or any place other than

the Court House:- For the first bonds, where within the municipal limits of the seat of the Court.

Where beyond such limits.

For every bond taken at the same time and place after the first, in the same, appeal or matter.

3. Fees of Registrar and Commissioners for taking affidavits or affirmations at the house of a party or any place other than the Court House:

Note: As determine by the Chief Judge

THIRD SCHEDULE
RULES TO PRINTING OF RECORD

1. All records and other proceedings in appeals are other matters pending before the Supreme Appellate Court Gilgit-Baltistan shall be printed in the form known as Demy Quarto.
2. The size of the paper used shall be such that the sheet when folded and trimmed will be 11 inches in length and 8 inches in with.
3. The type to be used in the text shall be Pica Type, but long Primer shall be used in printing accounts tabular matter and notice. The number of lines in each page of Pica Type shall be 47 or thereabouts and every tenth line shall be numbered in the margin.
4. Record shall be arranged in two parts in the same volumes, where practicable, viz:-

Part I: - The pleadings and proceedings, the transcript of the evidence of the witness, the judgments, decrees, etc. of the Courts below down to the order admitting the appeal.

Part II: - The exhibits and documents.

5. The index to part I shall be in chronological order and shall be placed at the beginning of the volume.

The index to Part I shall follow the order of the exhibit mark, and shall be placed at the beginning of the volume.

6. Part I shall be arranged strictly in chronological order i.e. in the same order as the index.

Part II shall be arranged in the most convenient way for the use of the Court, as the circumstance of the case require. The documents shall be printed as far as suitable in chronological order. Each document shall show its exhibits mark, and whether it is a plaintiff's or defendant's document (unless this is clear from the exhibit mark) and in all cases documents relating to the same matter such as:-

- (a) a series of correspondence, or
- (b) Proceeding in a suit other than the one under appeal shall be kept together. The order in the record of the documents in Part II will probably be different from the order of the Index, and the

proper page No. of each document shall be inserted in the printed index.

The parties will be responsible for arranging the record in proper order for the Court, and in difficult cases counsel may be asked to settle it.

7. The documents in Part I shall be numbered consecutively. The document shall not be numbered, apart from the exhibit mark.
8. Each document shall have a heading, which shall consist of the number of exhibit mark and the description of the document in the index, without the date.
9. Each document shall have a marginal note, which shall be repeated on each page over which the document extends viz.

PART I

(a) Where the case has been more than one Court, the short name of the Court shall first appear. Where the Case has been before only one Court need appear.

(b) The marginal note of the document shall then appear consisting of the number and the description of the documents in the index, with the date except in the case of oral evidence.

(c) In the case of oral evidence, "Plaintiff's evidence" or "Defendant's evidence" shall appear beneath the name of Court, and then the marginal note consisting of the number in the index and the witness's, with "Examination", "Cross-Examination", or "re-Examination", as the case may be.

PART II

The Word "Exhibits" Shall First Appear.

The marginal note of the exhibits shall then appear consisting of the exhibit mark and the description of the document in index with the date.

10. The parties shall agree to the omission of formal and irrelevant documents, but the description of the document may appear (both in the index and in the record), if desired with the word "not printed" against it.

In case where maps are of an inconvenient size or unsuitable in character, the appellant shall, in agreement with the size or unsuitable in character, the appellant shall, in agreement with the size, showing as far as possible, the claims of the respective parties, in different coloures.

(District of C.D)

Let all parties concerned attend before in Chambers at the Court House, on the _____ day of _____ 20____ at “O” clock in the forenoon on the hearing of an application on the part of the above-named (state on whose behalf the application is made and the precise object of the application).

Date this the _____ day of _____ 20____

To (insert the names of the Advocate for the persons to be served e.g. B. Advocate for the persons to be served e.g. B Advocate for the defendants).

To the plaintiffs or defendants or appellant A.B. or as the case may be.

GROUNDS

(Here insert a list of the materials relied on e.g. affidavit of X.Y.Z. etc).

**No .3
FORM OF SUMMONS FOR AN ORDER IN CHAMBER
(ORDER V)
IN THE SUPREMAE APPELLATE COURT GILGIT-BALTISTAN, GILGIT**

**(Appellate jurisdiction)
(Original Jurisdiction)**

Case No. _____ Of _____ 200____

A.B.

(District)

Versus

Appellant

(Respondents)
(Defendants)

(C.D)

(District of C.D)

Let all parties concerned attend before in Chambers at the

Court House, on the _____ day of _____ 20____ at
“O” clock in the forenoon on the hearing of an application on the part of the above-
named (state on whose behalf the application is made and the precise object of the
application)

Date this _____ day of _____ 20____ .

To (insert the names of the Advocate for the persons to be served e.g. B. Advocate for
the defendants).

To the plaintiffs or defendants or appellant A.B. or as the case may be.

GROUND

(Here insert a list of the material relied on e.g. affidavit of X.Y.Z.etc).

**No .4
NOTICE OF MOTION
ORDER VI
IN THE SUPREME APPELLATE COURT GILGIAT- BALTISTAN, GILGIT**

Case No. _____ of _____ 20____
(District of A.B.) _____ (Appellant)
_____ (Plaintiffs)
Versus
(C.D) _____ (Respondent)
(District of C.D) _____ (Defendants)

Take notice that the Court will be moved _____ On the _____ day of
20____ at _____ “O” clock in the forenoon or so thereafter, as Counsel can be heard (state by
whom, and in whose behalf the motion is to be made as thus: by Mr. A. Counsel on the
part of the above –named defendant C.D. or by the above-named defendants C.D. in
person or, on the part of G.F. or (insert place of residence, description and addition of
applicant, if not a party to the proceedings) that (here state the precise object of the
motion, as thus: this action may stand dismissed for want of prosecution).

Date this the _____ day of _____ 20____

(State name etc, of Advocate
Part or person giving notice).

To,
(State name of the Advocate or party to whom the notice is given).

No.5
FORM OF OATH BY TRANSLATOR
ORDER VII
IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,
GILGIT

In the matter of _____ a translator,
I, _____ solemnly affirm and say that I will translate correctly
and accurately all documents given to me for translation.
Before, _____ the _____ 20

REGISTRAR

No. 6
APPLICATION FOR PRODUCTION OF RECORD
(ORDER IX)
IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN, GILGIT

(Appellate Jurisdiction)
(Original Jurisdiction)

Case No. _____ of _____ 20
(A.B) _____ (Appellant)
(District of A.B) _____ (Plaintiffs)

Versus

(C .D) _____ (Respondent)
(District of C.D) _____ (Plaintiffs)

To,
The Registrar,
Supreme Appellate Court Gilgit-Baltistan

Sir,
Please produce the record of the above case before on _____ (Signed)
Date this _____ day of _____ 20

Was presented by the above named appellant on the _____ day of _____ 200____
and has been registered in this Court as Criminal appeal No. _____ of
dated this the _____ day of _____ 20_____

REGISTRAR

**No.9
CERTIFICATE FROM ADVOCATE IN RESPECT OF VALUE OF
SUBJECT MATER OF LITIGATION IN APPEALS FILED UNDER
ORDER XII, RULE I S. A.C.**

IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN, GILGIT

(Appellate Jurisdiction)

(A.B) _____ Appellant

Versus

(C.D) _____ Respondent

CERTIFICATE

I, _____ Advocate for the appellant in the above-
cited appeals do hereby certify that the amount value of the subject matter in dispute
in the Court of First instance was, and also in dispute in appeal, is not less than fifty
rupees.

Date this the _____ day of _____ 20_____

Advocate for address for service.

Please enter an appearance for me (name of respondent) the respondent above-named in this appeal.

Date this the _____ day of _____ 20

(Signature of Respondent)
Address for service

**No.12
NOTICE TO PARTIES THE DAY FIXED FOR THE HEARING OF APPEAL
(ORDER XIX)**

Case No. _____ Of _____ 20

**IN THE SUPREME APPELLATE COURT GILGIT –BALTISTAN, GILGIT
(Appellate Jurisdiction)**

(A.B) _____ (Appellant)

Versus

(C.D.) _____ (Respondent)

To,
(Name of parties and their Advocate)

Take notice that the above appeal is fixed for hearing on the day of 200 _____ and shall be taken up for hearing by the Court on that day at “O” Clock in forenoon or as soon thereafter as may be convenient to the Court.

Date this _____ day of _____ 20

REGISTRAR

**No.13
SUMMONS TO ATTEND TAXATION
(ORDER XXVIII)
IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN, GILGIT**

**(Appellate Jurisdiction)
(Original Jurisdiction)**

Case No. _____ of _____ 200

(A.B.) _____ (Appellant)
(District of A.B.) _____ (Plaintiffs)

Bill No. _____ of _____ 200 here state the names of the parties to the bill.

WHEREAS Mr.....Advocate for the appellant (or Plaintiffs, respondents or defendants) has lodged a bill of casts (copy appended hereto) for taxation as between (party and party and also as between Advocate and client) notice is hereby given that the Taxing Officer of the Court will proceed to tax the said bill on the _____ day of _____ 200 at "O" clock in the forenoon when you may attend said bill on any items herein.
Date this the _____ day of _____ 200

TAXING OFFICER

**No. 14
CERTIFICATE OF TAXATION
IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN, GILGIT**

**(Appellate Jurisdiction)
(Original Jurisdiction)**

Case No. _____ Of _____ 200

(A.B.) _____ (Appellant)
(District of A.B.) _____ (Plaintiffs)

Versus

(C.D.) _____ (Respondent)
(District of C.D.) _____ (Defendants)

Bill No. _____ of _____ 200 here state the names of the parties to the bill.

I do hereby certify that I have taxed the above bill of costs lodged in this Court by Mr. Advocate for appellant (or plaintiff or respondents or defendants) against (here insert

name of party or client and do allow, as between (party and party and also as between) Advocate and client the sum of (amount in figures and words) only.

Date this day of 200

TAXING OFFICER

**No. 15
NOTICE OF PROCEEDINGS TO THE ATTORNEY GENERAL OF
PAKISTAN
IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN, GILGIT**

**(Appellate Jurisdiction)
(Original Jurisdiction)**

Case No. of 20

(A.B.)
(District of A.B.)

(Appellant)
(Plaintiffs)

Versus

(C.D.)
(District of C.D.)

(Respondent)
(Defendants)

The Attorney General of Pakistan

Take notice that the above-named case has been filed this Court (and is fixed for hearing on the day of 20 and shall be taken up for hearing by the Court and that day, at “O” clock in the forenoon or as soon thereafter as may be convenient to the Court, (and shall be fixed for hearing on a suitable date of which the service will be given to you).

As the case raise (an) important question (s) (here state briefly the question (s) involved notice is hereby given to you so that you may appear and take such part in the proceedings before this Court as you may be advised).

Date this the day of 20

REGISTRAR

No.16
AFFIDAVIT OF SERVICE OF SUMMONS
IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN, GILGIT
(Appellate Jurisdiction)
(Original Jurisdiction)

Case No. _____ of _____ 20 _____
 (A. B.) (Appellant)
 (District of A. B.) (Plaintiff)

Versus

(C. D.) (Respondent)
 (District C. D) (Defendant)

Advocate for the above-named

Make oath _____ and say as follow:-
 Solemnly affirm

I did on the _____ day of _____ Mr.

Advocate for the above-named

In this action for appeal with a true copy of the summons now produced and shown to me marked, by leaving it, before the hour of four in the afternoon at the (Office or dwelling house) of the said _____ situate (being the address for service in this action (or appeal) with his clerk or his servant, or as may be there), or by posted at the post office at in a duly registered envelope addressed to this _____ said _____ at _____ being the address for service in this action (or appeal).

Sworn at _____ this _____ day of _____ 20 before me

This affidavit is filed on behalf of

The Attorney General of Pakistan

Take notice that the above named case has been filed in this Court (and is fixed for hearing on the _____ day of _____ 20 and shall be taken up for hearing by the Court and that day, at _____ O' clock in the forenoon or as soon thereafter as may be convenient to the Court, (and shall be fixed for hearing on a suitable date of which the service will be given to you).

As the case raises (an) important question (s) (here state briefly the question(s) involved notice is hereby given to you so that you may appear and take such part in the proceedings before this Court as you may be advised).

Dated this the _____ day of _____ 20

REGISTRAR

No. 16
AFFIDAVIT OF SERVICE OF SUMMONS
IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN, GILGIT.
(Appellate Jurisdiction)
(Original Jurisdiction)

Case No. _____ of _____ 20
(A.B) (District of A.B)
(Appellant) (Plaintiff)

VERSUS

(C.D) (Respondent)
(District C.D.) (Defendant)

Advocate for the above-named

Make oath

and say as follows:-

Solemnly affirm

I did on the _____ day of serve
Mr.

Advocate for the above-named

in this action for appeal with a true copy of the summons now produced and shown to me marked, by leaving it, before the hour of four in the afternoon at the (Office or dwelling house) of the said _____ situate (being the address for service in this action (or appeal) with his clerk or his servant, or as may be there), or by posted at the post office at in a duly registered envelope addressed to this _____ said _____ at being the address for service in this action (or appeal).

Sworn at _____ this _____ day of _____ 20 _____ before me

This affidavit is filed on behalf of

**AFFIDAVIT OR SERVICE BY POST
IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN, GILGIT**

**(Appellate Jurisdiction)
(Original Jurisdiction)**

Case No. (A.B) (District of A.B)	of		20	(Appellant) (Plaintiffs)
		Versus		
(C.D) (Respondent)				(District of C.D) (Defendants)

Advocate for the above-named

Make oath

.....and say as follow:-
solemnly affirm

I did serve the Advocate for the above-named in this Appeal action for the above-named(if he has appeared in person) with the summons (or notice or other document) now produced and shown to me marked A by posting on the day of _____ at _____ (name of Post Office) a true copy of the said _____ summons or as may be (in a prepaid envelope registered for acknowledgment addressed to the said Advocate or Respondent or as may be) at _____ which is his address for service. The postal acknowledgment is attached hereto.

Sworn at _____ this day of 20 _____ before me.
This affidavit is filed on behalf of the.....

**IMPORTANT POINTS TO BE VERIFIED BEFORE FILING
PETITIONS FOR LEAVE TO APPEAL**

1. The limitation under the Rule for filing petition for leave to appeal is as follows:-
 - a. In civil proceedings:
60 days from the judgment, decree or order appealed against;
or
30 days from the date of refusal of grant of certificate by the Gilgit-Baltistan Chief Court, [Order XIII, Rule I].
 - b. In criminal proceedings:
30 days from the date of judgment or from the date of order refusing certificate by the Gilgit-Baltistan Chief Court [Order XXIII, Rule 2]; and
60 days against judgment or order of acquittal from the date of such judgment or order for the Advocate General of Gilgit-Baltistan [Order XXIII, Rule 2, First Proviso].

2. It should be seen that the cause title of the judgment impugned and as given in petition for leave to appeal tallies and the names and addresses of the respondents or clearly and properly given. [Order XVII, Rule 1].

3. It Should be seen that Court- fee stamps (of Rs. 250) is provided alongwith the petition for leave to appeal : [First Schedule, Part-1 item 1] no court fee is charged in criminal matters and in petitions and appeal under Article 28 of Gilgit-Baltistan Governance Order, 1994. [Order XXIV, Rule 1].

4. Certified copy of the:

Impugned judgment (with full and correct particulars regarding Gilgit-Baltistan Chief Court Appeal No. _____, date of judgment etc.); and Memo of appeal/ application in the Gilgit-Baltistan Chief Court or the tribunal as the case may be; Should be filed, alongwith paper book of the Gilgit-Baltistan Chief Court if any, and the other record duly attested by the Advocate, [Order XIII, Rule 3].

5. The petition for leave to appeal should be drafted in accordance with the instructions contained in the Order of the Court issued on the 8th August, 1981, which is annexed herewith as Pro forma A. In the criminal cases, a separate statement as shown in Pro Forma B should be furnished. [Order XIII, Rule I and Order XVII, Rule I].

6. The petition should be supported by an affidavit of fact, and an affidavit of service affirming that a notice of the intended petition has been sent to the respondents [Order XIII, Rule 3(V) and (VI)].

7. Index should contain full particulars of annexure and the petition should be properly paged, Every annexure included in the paper book must contain its description in the index of documents [Third Schedule].

8. If the petition is barred by time, it should be accompanied by an application for condonation of delay, such application should be supported by an affidavit. [Order XIII, Rule I and Order XXIII, Rule 2 and Order XVII, Rule 4].

9. It should be seen that annexure filed with the petition for leave to appeal are either original or certified copies or true copies of the originals, duly attested by the Advocate.

These annexure must have been formed part of the records in the Court below. [Order VII, Rule I].

The requisite court-fee (of Rs. 2) should be paid on each of the annexure. If any document was not part of the record of the Court below, a separate application should be made to place that document on record. [Item 6 of the First Schedule Part II].

10. if at any time after the judgment of the Court appealed from and before the filing of the petition for leave to appeal any person is sought to be impleaded as a legal representative, the petition should accompany an application for substitution, duly

supported by an affidavit, to the Court. [Order XXXIII, Rule 6 read with Order XV, Rule 7].

11. If the opposite party has lodged a caveat, a notice of the filing of the petition need not go to the caveator. The Registry would inform about the filing of such caveat to the petitioner and of the petition to the caveator. [Order XIII, Rule 3 (vi) and Order XVII, Rule 2].

12. Spare copies (paper book) should be neat and clean and accurately typed in double spacing on one side of the standard sized paper leaving sufficient margin on the left and the spare copies of each document should tally page to page and line to line with the original. The impression in spare copies included in the paper books should not be dim. This causes great inconvenience to the honorable Judges.[XVII, Rule 1].

13. Name and identity of the executant of power of attorney (Wakalatnama) should be clear and legible. If Wakalatnama has been executed by an attorney (Mukhtar), the original power of attorney for perusal of the Registry alongwith a true copy thereof, duly attested by the Advocate, for the record of the Registry should be produced. [Order VII, Rule 5].

14. It may be noted that petitions sent by post are not accepted [Order VII, Rule 2].

15. Documents in a language other than Urdu or English should be accompanied by it translation in either of the two languages. [Order VII, Rule 2].

16. Petition for leave to appeal should be arranged in the following order: [Order XIII, Rule 3].

- (i) Power of Attorney.
- (ii) Court-fee stamp paper.
- (iii) Petition for leave to appeal.
- (iv) Impugned judgment or order.
- (v) Memo of appeal in the Court below.
- (vi) All other orders of the Courts below and other documents in chronological order.
- (vii) Affidavit of Facts.
- (viii) Affidavit of Service.
- (ix) Copy of notice addressed to the respondents alongwith proof of service, if any.
- (x) Miscellaneous application, if any, alongwith affidavit of facts.

17. The petition for leave to appeal may either be presented by the party in person or through a duly constituted Advocate. [Order VII, Rule 5].

PRO FORMA “A”

1. The following points of law arise for determination:-

- (A)
- (B)
- (C)

(The previous decisions of the Supreme Appellate Court Gilgit-Baltistan and the relevant textbooks in support of points of law should be mentioned against each point)

2. The relevant facts are briefly as follow:-

.....
.....
.....

PROFORAMA "B"
IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,
GILGIT
(Appellate Jurisdiction)

Cr. P/Cr.A.No _____ of 20 _____
_____ Petitioner(s)/Appellants.

Versus
_____ Respondent(s)

1. Name(s) of accused _____ Trial Court's decision dated _____

Important points to be verified before
filling petition for leave to appeal.

Sentence.

- | | |
|---|----|
| 1 | 1. |
| 2 | 2. |
| 3 | 3. |
| 4 | 4. |
| 5 | 5. |

Gilgit-Baltistn Chief Court Judgment/Order
Dated _____ and findings:

2. Name of (a) _____
Deceased _____
(b) Injured person _____ (P.Ws).

3. Date & time of Occurrence _____
Place of Occurrence _____

4. F.I.R. Ex. _____ (P).
(a) Lodged by _____ (relationship)
at _____ A.M/P.M
on _____
(b) Recorded by _____
(c) Date of arrest of accused person(s): _____

- 1.
- 2.
- 3.
- 4.
- 5.

(d) Recoveries from the spot;

- 1.
- 2.
- 3.

(e) Recoveries from accused;

Name of Recovery	kind of weapon recovery	Date of matched (if fire-arm)	Whether blood-stained (if fire-arm)	Whether
------------------	-------------------------	-------------------------------	-------------------------------------	---------

- 1.
- 2.
- 3.
- 4.
- 5.

(f) Eye-Witnesses

Relationship

- | | |
|----|------------|
| 1. | Page _____ |
| 2. | Page _____ |
| 3. | Page _____ |
| 4. | Page _____ |
| 5. | Page _____ |

(g) Medical

Name of injured P.W. or accused	No of injuries	Grievous	Sharp	Blunt
1.				
2.				
3.				
4.				
5.				

5. Motive (briefly).
6. Prosecution case (briefly)

Important points to be verified before
Filing petitions for leave to appeal.

SPECIMEN FORM NO.1

Affidavit of facts required under Rule 3 (v) of **Order XIII** read with Rule 4 of **Order XVII** of the Supreme Appellate Court Gilgit-Baltistan Rules, 2008.

IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN GILGIT
(Appellate Jurisdiction)

Petition for leave to appeal No. _____ of 20 _____
_____ Petitioner (s)

Vs

_____ Respondent (s)

AFFIDAVIT OF FACTS

I _____, Advocate of Supreme Appellate Court Gilgit-Baltistan, resident of _____, (here give address) do hereby solemnly affirm and state that the averments of facts contained in the petition for leave to appeal are true and correct to my knowledge and information received by me from the petitioner (s) and derived by me from the perusal of the records.

Sworn at _____ this _____
Day of _____ 20_____.

Sd/
Advocate for the petitioner (s)

SPECIMEN FORM NO.2

Affidavit of service of notice of the intended petition for leave to appeal as required under Rule 3(VI) of Order XIII of the Supreme Appellate Court Gilgit-Baltistan Rule, 2008.

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,
GILGIT
(Appellate Jurisdiction)**

Petition for leave to appeal No. _____ of 20 _____
_____ Petitioner (s)

Vs

_____ Respondent (s)

AFFIDAVIT OF FACTS

I, _____, Advocate Supreme Appellate Court, resident of _____ (here give address) do hereby solemnly affirm and state that I have sent to the respondent (s) notice of my filing in the judgment and decree dated _____ of the Gilgit-Baltistan Chief Court Gilgit in the First Rent Appeal No. _____ of 20 _____ having sent the same under registered cover with A.D. Card.

Sworn at _____ this _____ day of 20 _____

Sd/
Advocate for Petitioner (s)

SPECIMEN FORM NO.3

Notice of intention to file petition for leave to appeal in the Supreme Appellate Court Gilgit-Baltistan as required under Rule 3(VI) of Order XIII of the Supreme Appellate Court Rules, 2008.

Registered A.D.
Dated: _____

From
.....
.....

(Name and address of the Advocate for the petitioner)

To
.....
.....

(Name and address of the respondent)

_____Petitioner(s)
_____Respondent(s)

petition for leave to appeal against the judgment and decree or Order of the Gilgit-Baltistan Chief Court at Gilgit in first Rent Appeal No. _____ of 20 _____ dated _____.

Please take notice that the above mentioned petitioner(s) intend(s) to file a petition for leave to appeal in the Supreme Appellate Court Gilgit-Baltistan against the judgment and decree or order noted above.

Sd/
Advocate for the petitioner(s)

**SPECIMEN FORM NO.4
IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN, GILGIT
(Appellate Jurisdiction)**

Petition for leave to appeal No. _____ of 20 _____.
_____petitioner(s)
versus
_____Respondent(s)

**CAVEAT
(ORDER XVII, RULE 2)**

let nothing be done in the above mentioned case without notice to the undersigned.

Sd/
Advocate for the respondent
Address: _____

Or

Respondent in person (Caveator)
Address: _____

Dated.....

Note: The caveator after lodging his caveat is required to give notice thereof to the petitioner, if the petition ha been filed.

**APPLICATION FORM FOR ENROLMENT AS ADVOCATE,
SUPREME APPELLATE COURT GILGIT-BALTISTAN, GILGIT**

Form "A"
(See Rule 107(1)(b))

One photograph is
to be pasted here.

To

The Chairman,
Gilgit-Baltistan Bar Council.

Sir,
Enrollment as an Advocate of the
Supreme Appellate Court Gilgit-Baltistan.

My particulars are as under:-

1. Name. _____
2. Date of Birth. _____
3. Father's/Husband' Name _____
4. Nationality. _____
5. Date of Enrollment as an ad advocate. _____
6. Date of Enrollment as and advocate
of Chief GB Chief Court along with its name. _____
7. Name of the G-B Bar Council
on the role of which the application is enrolled
as an advocate of the G-B Chief Court _____
8. The number in the District Roll of the G.B Chief Court. _____
9. The number in the common roll of the Advocates
Of the G.B Chief Court prepared by the Gilgit-
Baltistan High Court bar Association. _____

10. Where the applicant satisfies all the conditions Laid down by the Gilgit Baltistan Supreme appellate Court in respect of the persons entitled to Appear and plead before the Gilgit Baltistan Supreme Appellate Court. _____
11. Whether the applicant has deposited the Enrolment fee with the Pakistan Bar Council please give the date, amount and Receipt. No. _____
12. The name of the Bar Association to which Applicant is member. _____
- 13(a) whether the applicant has been in the service of government of a statutory Corporation. If any, the date of joining and leaving the service and the reasons for going out of service along with the certificates of the employer. _____
- (b) Whether any the disciplinary action of warning Demotion, suspension or dismissal Was ever taken against him during The tenure of his service and the Results thereof along with the Certificate Of the employer. _____
- (C) Whether any criminal case was registered against the applicant during the tenure of his service if so, the result thereof along with a certified copy of order. _____
- 14 Whether the applicant has been convicted of any offence, if so date and particulars hereof. _____
15. Whether an earlier application and enrolment of the applicant has previously been rejected by the Bar Council. _____

dated: Signature of Applicant _____
Address _____

This application form should be accompanied by the following document:

1. Two copies of passport size photograph of the applicant attested by the President/Secretary of his Bar Association or Member of a Bar Council.
2. A Certificate, in original, from the Gilgit-Baltistan Chief Court to applicant's being a fit and proper person to appear and plead as an

advocate of the Supreme Appellate Court Gilgit-Baltistan together with a Photostat Copy thereof.

3. An affidavit stating that the contents of the application are true and correct and the applicant is eligible and not disqualified, in any manner, for enrolment and to practice as an Advocate of the Supreme Appellate Court Gilgit-Baltistan and that neither he was found guilty of professional or other misconduct nor any such case is pending before any Bar Council.

4. A Certificate from the District Bar Council to the effect that:-

(a) The applicant is an enrolled Advocate of the Gilgit-Baltistan Chief Court having ten years standing as such and that his name is still born on the Roll of Advocate of the Gilgit-Baltistan Chief Court maintained by the District Bar Council concerned.

(b) The applicant is not in arrears of dues of the concerned District Bar Council; and

(c) Neither proceedings for professional or other misconduct are not pending against the applicant nor has found guilty of professional or other misconduct.

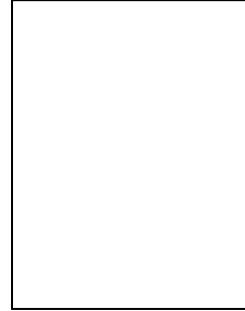
5. A certificate regarding clearance of dues from the Bar Association of which the applicant is a Member.

6. A list of cases conducted by the applicant in the Gilgit-Baltistan Chief Court.

7. Deposit slip of enrolment fee Rs. 1200/-. The fee is to be deposited in the Collection. Account of the Gilgit-Baltistan High Court Bar Association with the Habib Bank of Pakistan, offices of the Gilgit Baltiatan high Court Bar association and district bar Councils.

**APPLICATION FROM FOR PERMISSION TO SIGN THE ROLL OF
ADVOCATES. SUPREME APPELLATE COURT GILGIT- BALTISTAN
IN THE SUPREME APPELLATE COURT GILGIT BALTISTAN**

The Chief Judge
And his companion Judges of
The supreme Appellate Court
Gilgit Baltistan
Gilgit.



The petition of _____
An Advocate enrolled in the gilgit Baltistan
Chief Court of _____ Petitioner

SHEWETH:

1. That your petitioner was enrolled as an advocate of _____ Gilgit Baltiatan Chief Court on _____ and that he is still a practicing Advocate of the said Gilgit Baltistan Chief Court. A complete bio-data containing all relevant information is attached herewith. (if there was a break of more than a year in continuity of active practice, please give particulars and reasons).
2. That your petitioner has conducted in Gilgit Baltistan Chef Court _____ cases independently and _____ cases as a junior Gilgit Baltistan Chief Court of both categories. Respective lists are attached.
3. That it has been certified by the Chief Judge and Judges of the Chief Court that your petitioner is a fit and proper person to appear and plead as an Advocate before the Supreme Appellate Court Gilgit Baltistan.
4. That your petitioner has been issued a certificate by the Gilgit Baltistan high Court Bar Association to appear and plead as an Advocate before the Supreme appellate Court Gilgit Baltistan. (If the applicant is being submitted more than six months after the grant of certificate by the Gilgit Baltistan Bar association please gives reasons.
5. That your petitioner satisfies all the conditions lay down by this Court in respect of the persons entitled to appear and plead before the Court.
6. That other particulars of your petitioner are as under:-
(a) whether the applicant has been

the service of a Government or a statutory corporation or any other person or otherwise worked for gain, if so, give particulars including the date of joining and leaving the service and the reasons for going out of the employer.

(b) Whether any disciplinary action Was ever taken against him during The tenure of his service and the Results of the employer. _____

(c) Whether any criminal case was registered against the applicant during the tenure of his service, if so, the result thereof along with a certified copy of the order. _____

(d) Whether the applicant has ever been convicted of any offence, if so, give date and particulars with particulars also of the appeal, revision etc. _____

(e) Whether the application has ever appeared in any case before the Supreme Appellate Court Gilgit-Baltistan, if so, give complete details of Cases. _____

(f) Whether any earlier application for enrolment of the applicant was rejected by the Gilgit-Baltistan High Court Bar Association. _____

7. The requirement and conditions in accordance with the instructions printed on the back page of this form have been fulfilled.

I hereby verify that the contents hereof are true to the best of my knowledge and belief.

Your petitioner, therefore, prays that he may be allowed to sign the roll of Advocates of the Supreme Appellate Court Gilgit-Baltistan.

Signed this the _____ day of _____ two
thousand and _____

Signature

Address: _____

ENCLOSURE:

This application form should be accompanied by the following documents:

1. Bio-Data of the applicant giving full particulars of his qualification and any previous employment or engagement for gain. Amongst others the following facts are to be included in the bio-data:
(i) Name (ii) Date of Birth (iii) Father's /Husband's name (iv) National/National Identity Card Number (v) Date of enrolment as an Advocate (vi) date of enrolment as an Advocate of Gilgit-Baltistan Chief Court along with its name (vii) name of the District Bar Council on the roll of which the applicant is enrolled as an Advocate of the Gilgit-Baltistan Chief Court (viii) The Number in the District roll of the Advocate of the Gilgit-Baltistan Chief Court (ix) The number in the common of the Advocate of the Gilgit-Baltistan Chief Court prepared by the Gilgit-Baltistan Bar Council (x) the name of the Bar Association of which the applicant is a Member.
2. A recent passport size photograph of the applicant attested by the President/Secretary of his Bar Association or Member of a Bar Council.
3. An attested copy of the certificate from the Gilgit-Baltistan Chief Court as to applicant's being fit and proper person to appear and plead as an Advocate of the Supreme Appellate Court Gilgit-Baltistan.
4. An affidavit stating that the contents of the application are true and correct and that the applicant is eligible and not qualified in any manner for enrolment and to practice as an Advocate of the Supreme Appellate Court Gilgit-Baltistan and that neither he was found guilty of professional or other misconduct nor any such case was instituted before any Bar Association or a Court/Authority. If otherwise, give particulars.
5. A list of cases of the applicant in the Gilgit-Baltistan Chief Court in accordance with the requirement of para 2 of the Form.
6. Original certificate of the Gilgit-Baltistan Bar Association together with a Photostat copy thereof.

FORMS NO.1

SUPREME APPELLATE COURT GILGIT-BALTISTAN

Certificate of enrolment of Advocate or Advocate-on-Record.

(ORDER IV)

No.....

This is to certify, that Mr/Mrs/Miss..... has this day been admitted and enrolled (as a senior Advocate/as an Advocate) (and an Advocate-on-Record) in the Supreme Appellate Court of

Date this the day of 20

Registrar

NO.2

UNDERTAKING BY ADVOCATE-ON RECORD

(ORDER IV)

I, the undersigned, do hereby solemnly affirm and declare that I will observe, submit to, perform and abide by all and every order, rules, regulations, and practice of the Supreme Appellate Court now in force or hereafter from time to time to be made, and also to pay and discharge, from time to time, when the same shall be demanded, all fees, charges, and sums of money due and payable in respect of any appeal, cause or other matter in and upon which I shall appear as such Advocate-on-Record, and that I shall maintain a regular account for each case in each form as the Court may prescribe in respect of all sums received or disbursed on behalf of my client in respect of any such appeal, cause or other matter.

NO. 3

UNDERTAKING BY ADVOCATE-ON-RECORD

(ORDER IV)

I, the undersigned, a partner in the firm_____do hereby solemnly affirm and declare that I will observe, submit to perform, and abide by all and every orders, rules regulations, and practice of the Supreme Appellate Court now in force or hereafter from time to time, when the same shall be demanded, all fees, charges and sums of money due and payable in respect of any appeal, cause or other matter in and upon which I shall appear as an Advocate-on-Record/Partner of the firm, and that the firm shall maintain a regular Account for each case in such form as the Court may prescribe in respect of all sums received or disbursed on behalf of the client of the firm in respect of any such appeal, cause or other matter.

NO. 4
INDEMNITY BOND BY ADVOCATE-ON-RECORD
(ORDER IV)

whereas I, _____ (name, description and address) have subscribed to an undertaking to pay and discharge on behalf of myself or of the Firm namely _____ Advocate-on-Record in which I am a partner from time to time and as and when the same shall become due or be demanded, all fees, charges, costs and other sums of money due or payable in respect of any appeal, cause or other matter filed by me or by the said Firm or in which I or the said Firm shall have appeared or filed any power as an Advocate-on-Record or as a firm of Advocate-on-Record.

NOW, THEREFORE, BY THESE PRESENTS I agree and consent to pay and always to keep the Court indemnified against all such fees, charges, costs and other sums as may be found to be due or payable in respect of any one such appeal, cause or other matter or as may be demanded from me or from the said firm upto the extent or Rupees Five Thousand (Rs. 5,000/-) and in the event of the same not being paid within seven (7) days of the service of the notice of demand or within such further time as may be allowed by the Court, execution may issue forthwith against me, heirs, executors and administrators, goods and chattels for a sum not exceeding Rupees Five thousand (Rs. 5,000/-).

In witness whereof I have on this the _____ day of _____ affixed my hand and seal.

Seal & signature of Advocate-on-Record.

Witnesses:-

1. _____
2. _____

NO. 5
“POWER OF ATTORNEY” TO ADVOCATE-ON-RECORD
(ORDER IV)

IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN, GILGIT
 (Appellate Jurisdiction) (Original Jurisdiction)

Case No. _____ of _____ 20

(A.B) _____ (Appellant)
 (Petitioners)
 (Plaintiffs)

Versus

(C.D) _____ (Respondent)

(Defendants)
(Opposite Party)

I (we) A.B. of (residence and address of Place)
Plaintiff (s)/Appellant (s)/Petitioner(s)
Defendant(s)/Respondent(s)/Opposite Party.

In the above suit/ appeal/Petition/Reference do hereby appoint and constitute Mr _____ Advocate-on-Record Supreme Appellate Court, the Advocate-on-Record for the aforesaid appellant [or plaintiff(s) or petitioner(s) or respondent(s) or defendant(s) or opposite party] to commence and prosecute (or to appear and defend this action appeal/suit/petition/reference on my (our) behalf and all proceedings that may be taken in respect of any application connected with the same including proceedings in taxation and application for review, to draw and deposit money, to file and take back documents, to accept the processes of the Court, to appoint and instruct counsel, to represent the aforesaid appellant [or Plaintiff(s) or petitioner (s) or respondent (s) or defendant (s) or opposite party] in the above matter and to do all things incidental to such acting for the aforesaid appellant [or plaintiff(s) or petitioner(s) or respondent(s) or defendant(s) or petitioner] or aforesaid Advocate-on-Record in pursuance of this authority.

IN WITNESS WHEREOF I (we) do hereinto set my (our) hand (s) this the
day of

(Signature)

The address for service of the said Advocate-on-Record is.....

**TIME PRESCRIBED
IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN, GILGIT
RULES
FOR TAKING VARIOUS STEPS**

S.No.	Order/Rule	Description of step to be taken	Point from where Time	Time Starts
1.	V	4	Application for reconsideration under Rule 2 of Order V.	30 days date of the Order complained of
2.	V	3	Appeal from the Order of the Registrar.	30 days -do-
3.	VI	3	Notice of motion appointed together with Affidavit in support thereof to be served on the opposite party.	8 days Before the day for the motion.

4.	VI	3	Affidavit of service together with acknowledgement receipt of the service of notice of motion.	3 days	Before the day appointed for the motion.
5.	VI	3	Counter-affidavit to be served on the other parties of the motion.	01 day	Not later than one hour before the closing time of the Registry.
6.	IX	3	Notice of inspection of record to the parties who have appeared.	24 hours	From the date of application for inspection.
7.	XII	2	Petition of Appeal	30 days	from the date of certificate or date of impugned judgment, decree or final order of the Gilgit-Baltistan Chief Court.
8.	XII	5	Objection to the grounds of appeals.	30 days	From the date of service on the respondent of the petition of appeal.
9.	XIII	1	Filing petition for leave to appeal in Civil Proceedings.	60 days	From the date of judgment, decree.
			-do-	Or 30 days	Or final order sought to be appealed from or From the date of refusal of grant of certificate by Gilgit-Baltistan Chief Court.
10.	XIII	7	Deposit of security for costs	30 days	From the date of grant of leave to appeal.
11.	XIV	1	For filing copies of the	60 days	
12.	XIV	6	For payment of Court fee in respect of the appeal.	30 days	from the date of the grant of leave to appeal.
13.	XV	5	Petition for restoration of appeal dismissed for non-prosecution.	30 days	from the date of the order of dismissal for non-prosecution.
14.	XV	7	Application to bring on record the legal representative of a deceased party.	90 days	from the date of death of the party.
15.	XVI	1	For entering appearance by the respondent.	30 days	from the date of receipt of notice from the Registrar regarding grant of leave to appeal to the appellant.
16.	XVI	6	For setting down ex-parte against non appearing respondent.	30 days	from the date of service upon the respondent of the notice under Rule 10 of Order XIV.
17.	XXI	2	Submission of report on reference to the GB	30 days	from the date of the receipt of the G.B

			Chief Court for investigation into pauperism.		Supreme Appellate Court.
18.	XXII	1	For filing Criminal appeal under Art.28 of G.B Governance Order 1994.	30 days	from the date of the judgment or final order appealed from the date of the order refusing certificate.
19.	XXII	2.	For filing petition for leave to appeal in Criminal proceedings.	30 days	from the date of judgment or final order appealed from or from the date of order.
20.	XXIV	1	For filing petition for leave to appeal under Art. 28 G.B Governance Order, 1994.	60 days	from the date of judgment decree.
21.	XXVI	2	For filing review application	30 days	after the pronouncement of the judgment of the sought to be reviewed.
22.	XXXII	5	For filing pleadings and issues before the commissioner.	24 hours	after the making of the order for the issue of the Commission.
23.	XXXVII	6	For filing application to set a side the decision of the Commissioner and for direction of the Commissioner to admit the evidence.	14 days	from the decision of Commissioner refusing to admit documentary evidence.
24.	XXXVI	2	For hearing of appeal from the judgment of the special Court by the G.B Chief Court	90 days	from the date of the lodging of the appeals in the G.B. Supreme Appellate Court Gilgit.
25.	XXXVI	5	For forwarding original record by the Special Court to the Registrar.	7 days	After the disposal of the case.
26.	XXXVI	6	For filing 6 copies of the additional documents.	7 days	on receipt of the notice of appeal and copy of the petition of appeal and the accompanying documents from the Registrar.

THE JUDICATURE UNDER GILGIT-BALTISTAN (EMPOWERMENT & SELF GOVERNANCE ORDER) 2009

ARTICLE 60:-

Gilgit-Baltistan Supreme Appellate Court.....(1) There shall be constituted a Gilgit-Baltistan Supreme Court, referred to as the Supreme Appellate Court to be the highest Court of Appeal.

(2) Subject to the provisions of this Order, the Supreme Appellate Court shall have such jurisdiction as is or may be conferred on it by this Order or by under any law.

(3) The Supreme Appellate Court shall consist of a Chief Judge to be known a Chief Judge of Gilgit-Baltistan and two other Judges:

Provided that the, Government of Pakistan may from time to time increase the number of Judge.

(4) The person holding office as Chief Judge or, other Judge of the Supreme Appellate Court immediately before the commencement of this order shall be deemed to be the Chief Judge or other Judge a the case may be appointed under this Order.

(5) The Chief Judge of Supreme Appellate Court shall be appointed by the Chairman of the Council on the advice of the Governor and other Judges shall be appointed by the Chairman on the advice of Governor after seeking view of the Chief Judge.

(6) A person shall not be appointed as the Chief Judge or Judge of the Supreme Appellate Court of Gilgit-Baltistan unless he---

- (a) Has been a Judge of Supreme Court of Pakistan or is qualified to be a Judge of the Supreme Court of Pakistan; or
- (b) Has for a period of, or for periods aggregating, not less than five years been a Judge of a Chief Court; or
- (c) For a period of or for periods aggregating, not less, than fifteen years has been an advocate of a High Court.

Explanation:- In this sub-clause, the expression 'High Court' includes-----

- (a) The Chief Court of Gilgit-Baltistan, or an equivalent Court that existed in Gilgit- Baltistan before the 1st day of August, 2009; and
- (b) A High Court in Pakistan including a High Court that existed in Pakistan at any time before the 1st day of July,2009.

(7) Before entering upon office, the Chief Judge of Gilgit-Baltistan shall make before the Governor and any other Judge of the Supreme Appellate Court of Gilgit-Baltistan shall make before the Chief Judge, oath in the form set out in the first schedule.

(8) The Chief Judge and Judges of the Supreme Appellate Court of Gilgit-Baltistan shall be appointed for a term not exceeding three years and may be appointed for such further term as the Government of Pakistan may determine, unless they sooner resign or are removed from office in accordance with law.

(9) At any time when the office of Chief Judge of Gilgit-Baltistan is vacant, or the Chief Judge, is absent or unable to perform the functions of his office due to any other cause, the next Senior Judge of the Supreme Appellate Court to act as Chief Judge of Gilgit-Baltistan.

(10) The remuneration and other terms and conditions of service of the Chief Judge and of a Judge of the Gilgit-Baltistan Supreme Appellate Court shall be such as are admissible to the Chief Justice of Pakistan and Judges of the Supreme Court of Pakistan.

(11) Subject to the succeeding provision of this Article, the Supreme Court of Gilgit-Baltistan shall have jurisdiction to hear and determine appeals from judgments, decrees, final orders or sentences of the Chief Court of Gilgit-Baltistan.

(12) An appeal shall lie to the Supreme Appellate Court of the Gilgit-Baltistan from any judgment, decree, final order or sentence of the Chief Court of Gilgit-Baltistan.----

- (a) if the Chief Court, has on appeal reversed an order of acquittal of an accused person and sentenced to death or to imprisonment for life; or, on revision, has enhanced a sentence to a sentence as aforesaid; or
- (b) if the Chief Court has withdrawn for trial before itself any case from any court subordinate to it and has in such trial convicted the accused person and sentenced him as aforesaid; or
- (c) if the Chief Court has imposed any punishment on any, person for contempt of the Chief Court; or
- (d) if the amount or value of the subject matter of the dispute in the court of first instance was, and also in dispute in appeal is, not less than fifty thousand rupees or such other sum as may be specified in that behalf by Act of the Council and judgment, decree or final order appealed from has varied or set aside, the judgment, decree or final order of the court immediately below; or
- (e) if the judgment, decree or final order involved directly or indirectly some claim or question respecting property or the like amount or value and the judgment, decree or final order appealed from has varied or set aside the judgment , decree or final order of the court of the court immediately below; or
- (f) if the Chief Court certifies that the case involves a substantial question of law as to the interpretation of this Order.

(13) An appeal to the Gilgit-Baltistan Supreme Appellate Court from a judgment, decree, order or sentence of the Chief Court, in a case to which clause (II) does not apply shall lie only if the Supreme Appellate Court grants leave to appeal.

(14) (a) an appeal to the Gilgit-Baltistan Supreme Appellate Court shall be heard by a Bench consisting of not less than two judges to be constituted or reconstituted by the Chief Judge;

(b) if the Judges hearing a petition or an appeal are, divided in opinion, the opinion of majority shall prevail;

(c) if there is no such majority as aforesaid the petition or appeal, as the case may be, shall be placed for hearing and disposal before another Judge to be nominated by the Chief Judge:

Provided that in case of difference of opinion as aforesaid, the decision of the Supreme Appellate Court shall be expressed in term of opinion of the senior of the two Judges.

(15) The person holding office as Chief Judge of the Gilgit-Baltistan Supreme Appellate Court immediately before the commencement of this Order shall as from such

commencement hold office as Chief Judge of Supreme Appellate Court under this Order on terms and conditions prescribed in this Order provided these are not inferior to the terms and conditions applicable to him immediately before such commencement.

(16) All legal proceedings pending in the Gilgit-Baltistan Supreme Appellate Court, immediately before the commencement of this Order, shall on such commencement, stand transferred to, and be deemed to be pending before the Supreme Appellate Court for determination and any judgment or order of the Supreme Appellate Court delivered or made before such commencement shall have the same force and effect as if it had been delivered or made by the Supreme Appellate Court.

ARTICLE 61:-

Original Jurisdiction.....(1) Without prejudice to the provisions of Article 71, the Supreme Appellate Court, on an application of any aggrieved party, shall if it considers that a question of general public importance with reference to the enforcement of any of the fundamental right conferred by Part II of this Order is involved, have the power to make declaratory order of the nature mentioned in the said Article.

(2) An application made under clause (1) shall be heard by a Bench comprising not less than two Judges to be constituted by the Chief Judge.

ARTICLE 62:-

Issue and execution of processes of Supreme Appellate Court.----(1) The Supreme Appellate Court shall have powers to issue such directions, orders or decrees as may be necessary for doing complete Justice in any case or matter pending before it including an order for the purpose of securing the attendance of any person or the discovery or production of any document.

(2) Any such direction, order or decree shall be enforceable throughout Gilgit-Baltistan a if it has been issued by the Gilgit-Baltistan Chief Court.

(3) All executive and judicial authorities throughout Gilgit-Baltistan shall act in aid of the Supreme Appellate Court.

(4) Subject to this order and Law, the Supreme Appellate Court may. In consultation with the Council, make rules regulating the practice and procedure of the Court:

Provided that till the new rules are framed, the rules framed by the Supreme Appellate Court shall, so far as they are not inconsistent with this Order and any other law, deemed to have been made by the Supreme Appellate Court until altered or amended and reference to the Supreme Appellate Court in these rules shall be construed to be referred to the Supreme Appellate Court.

ARTICLE 63:-

Decisions of Supreme Appellate Court binding on other Courts.----- Any decision of the Supreme Appellate Court shall, to the extent that it decides a question of law or is

based upon or enunciates a principle of law, be binding on all other Court in the Gilgit-Baltistan.

ARTICLE 64:-

Seat of the Supreme Appellate Court.----- (1) The Seat of the Supreme Appellate Court shall be at Gilgit.

(2) The Supreme Appellate Court may sit at such other place or place as the Chief Judge of Gilgit-Baltistan, with the approval of the Governor, may appoint.

ARTICLE 65:-

Review of Judgment of Order by the Supreme Appellate Court.----- The Supreme Appellate Court shall have powers, subject to the provisions of an Act of the Assembly or the Council and of any rules made by the Supreme Appellate Court, to review any Judgment pronounced or any order made by it.

ARTICLE 66:-

Supreme Judicial Council.----- (1) There shall be a Supreme Judicial Council of Gilgit-Baltistan.

(2) The Supreme Judicial Council shall consist of-----

(a) The Chief Judge of Gilgit-Baltistan who shall be its Chairman.

(b) The Senior Judge of the Supreme Appellate Court; and

(c) The Chief Judge of the Chief Court.

(3) A Judge of the Supreme Appellate Court or of the Chief Court shall not be removed from office except as provided by this Article.

Explanation. ----- The expression “**Judge**” includes the Chief Judge of Gilgit-Baltistan and the Chief Judge of Chief Court of Gilgit-Baltistan.

(4) If on information received from the Supreme judicial Council or from any other source, the Chairman of the Gilgit-Baltistan Council or the Governor is of the opinion that a Judge of the Supreme Appellate Court or of the Chief Court....

(a) may be incapable of properly performing the duties of his office by reason of physical or mental incapacity; or

(b) may have been guilty of misconduct, the Chairman or the Governor, as the case may be, shall direct the Supreme Judicial Council to inquire into the matter.

(5) If, upon any matter inquired into by the Supreme Judicial Council, there is a difference of opinion amongst its members, the opinion of the majority shall prevail, and the report of the Supreme Judicial Council shall be expressed in terms of the view of the majority.

(6) If, after inquiring into matter, Supreme Judicial Council reports to the Chairman of the Gilgit-Baltistan Council that it is of the opinion.

(a) that the Judge is incapable of performing the duties of his office or has been guilty of misconduct; and

(b) That he should be removed from office, the Chairman shall advise the Governor to remove the Judge from his office and the Governor shall pass orders accordingly.

(7) The Supreme Judicial Council shall issue a Code of conduct to be observed by Judges of the Gilgit-Baltistan Supreme Appellate Court, and of the, Gilgit-Baltistan Chief Court.

(8) If at any time the Supreme Judicial Council is inquiring the conduct of a Judge who is a member of the Supreme Judicial Council, or a member of the Supreme Judicial Council is absent or is unable to act due to illness or any other cause, then;

(a) If such member is the Chief Judge or the Judge of the Supreme Appellate Court the Judge of the Supreme Appellate Court who is next in seniority.

(b) If such member is the Chief Judge of Gilgit-Baltistan Court, the most senior most of the other Judges of the Chief Court, shall, act as a member of the Supreme Judicial Council shall be expressed in terms of the view of the majority.

(9) If, upon any matter inquired into by the Supreme Judicial Council, there is a difference of opinion amongst its member, the opinion of the Supreme Judicial Council shall be expressed in terms of the view of the majority.

ARTICLE 75:-

Contempt of Court.--- (1) In this Article the expression "Court" means the Gilgit-Baltistan Supreme Appellate Court or the Chief Court.

(2) A Court shall have power to punish any person who---

(a) abuses, interferes with or obstructs the process of the Court in any way or disobeys any order of the Court;

(b) scandalizes the Court or otherwise, does anything which tends to bring the Court or a Judge of the Court into hatred, ridicule or contempt;

(c) does anything which tends to prejudice the determination of a matter pending before the Court; or

(d) does any other thing which, by law, constitutes contempt of the Court.

(3) The exercise of the power conferred on a court by this Article may be regulated by law and, subject to law, by rules made by the Court.

ARTICLE 77:-

Advisory Jurisdiction.--- (1) If any time, the Chairman of the Council or the Governor desires to obtain the opinion of the Gilgit-Baltistan Supreme Appellate Court on any question of law which he considers of public importance, he may refer the question to Supreme Appellate Court of Gilgit-Baltistan for consideration.

(2) The Gilgit-Baltistan Supreme Appellate Court shall consider a question so referred and report its opinion on the question to the Chairman of the Council or as the case may be, the Governor.