

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN
C.P.L.A. NO.19/2012**

Before:-

Mr. Justice Rana Muhammad Arshad Khan, Chief Judge
Mr. Justice Raja Jalal-ud-Din, Judge
Mr. Justice Muzaffar Ali, Judge.

Mst. Zaib-ul Nisah Widow of Late Ghulam Qadir r/o
Karimabad, Tehsil Aliabad Hunza, District Hunza-Nager.

..... **Petitioner**

Versus

Safi Ullah Baig s/o late Abdul Rasheed, r/o village Karimabad,
Tehsil Aliabad Hunza, District Hunza-Nager.

..... **Respondent**

**PETITION FOR LEAVE TO APPEAL UNDER ARTICLE
60 OF GILGIT-BALTISTAN (EMPOWERMENT & SELF
GOVERNANCE) ORDER, 2009 AGAINST THE
IMPUGNED JUDGMENT/ORDER DATED 17-05-2012
PASSED BY LEARNED CHIEF COURT GILGIT-
BALTISTAN.**

Present:-

Ali Dad Khan Advocate for Petitioner
Farooq Ahmed Advocate for Respondent on special
permission
Zaib-ul-Nisa Petitioner in person
Safi Ullah Baig Respondent in person.

Date of hearing 24-04-2013

ORDER

Rana Muhammad Arshad Khan, CJ: This petition has
been directed against the judgment dated 17-05-2012
passed by the learned single Judge of the Chief Court
Gilgit-Baltistan whereby, appeal No. C.S.A No. 04/2010,
filed by the petitioner was dismissed.

The necessary facts for disposal of the petition for
leave to appeal are that an application under Section 13 of
the Urban Rent Restriction Ordinance, 1959 was filed in

the Court of learned Rent Controller Hunza, District Gilgit by respondent/petitioner for the ejection of the petitioner/defendant from the shop No. 1 owned by the respondent/petitioner. The respondent herein was the owner of shop No. 1, 2 and 4 situated in Japan Chowk, Karimabad Hunza. The aforementioned shops were rented out to Ghulam Qadir husband of the petitioner/respondent, who later on had died. The parties had executed an agreement dated 10-03-2004 to the effect that the possession of rented out shops would be handed over to the respondent/petitioner on the expiry of contract period i.e. three years. The late husband of the petitioner/respondent had already vacated the shop No. 2 and 4 and the possession was handed over to the respondent in his life time. It is noticeable that the possession of shop No. 1 had remained with said tenant and on the sad demise of the lessee, his wife petitioner herein did not vacate the shop No. 1, nor the possession of the shop in question was handed over to the respondent herein. Since she had stepped into the shoes of her husband and continued her business in the shop, she was asked to vacate the shop time and again but in vain. The respondent was left with no other remedy except to approach the Court of competent Jurisdiction.

In view of the divergent stands of the parties the learned Rent Controller framed as many as 08 issues. The

evidence of the parties was recorded and on the conclusion of the trial, learned Rent Controller accepted the petition vide order dated 10-07-2009 with the direction that the petitioner shall handed over the possession of the shop in question to the petitioner within 30 days from the date of order of the Court. The petitioner/respondent feeling aggrieved by the order dated 10-07-2009, impugned the same through an appeal before learned District Judge, Gilgit which came up for hearing before learned Additional District Judge, Gilgit. This appeal was dismissed vide order dated 18-06-2010.

The petitioner/respondent filed a second appeal against the aforesaid order before the Chief Court Gilgit-Baltistan which was also dismissed vide judgment dated 17-05-2012. As such, the petition for leave to appeal has been filed in this Court.

The learned counsel for the petitioner after arguing the matter at full length submits, on instruction, that he will not press the petition in hand any further if, the petitioner is given five months time to vacate the shop in question. The respondent herein is also in attendance and agrees to give five months time for vacation of his shop.

In an answer to a question the learned counsel in the presence of the petitioner states at the Bar that the shop shall be vacated within the stipulated time i.e. five months settled between the parties and has undertaken before the

Court that the petitioner shall not cause any hindrance at any level at all on the expiry of five months and shall hand over the vacant possession of the shop positively.

In view of the agreement between the parties and the statement at Bar of the learned counsel for the petitioner, the shop in question would be vacated within five month as agreed upon. The petitioner herein is directed to vacate the shop within the stipulated time agreed between the parties in the Court and shall hand over the vacant possession of the shop to the respondent herein without any hesitation and if the petitioner herein does not vacate the shop and retain the possession with her, on expiry of five months i.e. 24-09-2013, the respondent shall be at liberty to approach this Court, if so advised, for an appropriate action against the petitioner/respondent. Meanwhile, the petitioner shall continue to make the payment of the fixed rent of the shop to the respondent.

In view of the agreement of the parties and the statement at Bar of the learned counsel of the petitioner this petition is disposed of in the above term.

Chief Judge

Judge

Judge