

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

Before:-

**Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.
Mr. Justice Javed Iqbal, Judge.**

**Civil Appeal No. 86/2016
In
CPLA No. 24/2016.**

Abdullah Jan & others

Petitioners.

Versus

Mohsin Ali

Respondent.

PRESENT:-

1. Mr. Munir Ahmed Advocate alongwith Mr. Ali Nazar Khan Advocate-on-Record for the petitioners.
2. Mr. Johar Ali Advocate on behalf of the respondent.

DATE OF HEARING: - 21.09.2017.

ORDER.

Dr. Rana Muhammad Shamim, CJ..... This appeal has arisen out of the impugned judgment dated 10.11.2015 passed by the learned Chief Court whereby the Civil Revision No. 32/2014 filed by the respondents was partially allowed by setting aside the order dated 23.05.2014 passed by the learned District Judge Gilgit. Consequently, the order dated 23.01.2014 passed by the learned Trial Court was maintained, hence, this petition for leave to appeal. This court vide order dated 22.03.2016 granted leave to appeal and the case is heard today.

2. Briefly, the facts of the case are that the respondent filed a Civil Suit No. 144/2012 alongwith an application under Order 39 Rule 1 & 2 CPC read with Section 151 CPC for grant temporary injunction in the court of learned Civil Judge Gilgit which upon

hearing the application for temporary injunction was dismissed, however, plaintiff was declared entitled for half inch radius water connection vide order dated 23.01.2014 which was reversed by the learned District Judge Gilgit. The respondent being aggrieved filed Civil Revision in the learned Chief Court. Upon hearing the said revision was partially accepted by setting aside the order of the learned District Judge Gilgit vide impugned order.

3. The learned counsel for the petitioners submits that the impugned judgment passed by the learned Chief Court and the order dated 23.01.2014 passed by the learned Civil Judge Gilgit have been passed contrary to the law and facts of the case. He also submits that the plaintiff has not prayed the said relief in his plaint, hence, the same is beyond the prayer and contention of the plaintiff. Per learned counsel, the impugned judgment is not sustainable.

4. On the other hand, the learned counsel for the respondent supports the impugned judgment and the order of the learned Trial Court. He contends that the respondent is one of the inhabitants of the locality who has developed an orchard on his land. Per learned counsel, the respondent is entitled for one and half inch radius pipe as per agreement and this relief has been prayed by the respondent in his plaint. The learned Trial Court has rightly granted the said relief to the plaintiff/respondent which was wrongly reversed by the learned District Judge. He contends that the learned Chief Court passed the impugned judgment in

consonance with the law and facts of the case. He prays that the impugned judgment may graciously be upheld.

5. We have heard the learned counsels for the respective parties at length, perused the material on record and gone through the impugned judgment as well as the orders of the learned Courts below. In our considered view, the impugned judgment is well reasoned, therefore, no indulgence is warranted into it. Further, the learned counsel for the petitioners could not point out any illegality & infirmity in the said impugned judgment.

6. In view of the above discussions, we dismiss this appeal by maintaining the impugned judgment dated 10.11.2015 passed by the learned Chief Court.

7. The appeal is dismissed in above terms.

Chief Judge.

Judge.