

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

Before:-

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

Mr. Justice Javed Iqbal, Judge.

Mr. Justice Shahbaz Khan, Judge.

CPLA. No. 09/2016.

1. Mst. Fatima & others D/o Widow of Muhammad Khalil r/o Lali Khor Abbas Town Skardu.
2. Mst. Salima D/o Widow of Muhammad Khalil r/o House No. 26 Muhallah Lal Kurti Dubair Shop Road Cant Sialkot.
3. Mst. Rabia D/o Muhammad Khalil r/o Hussain Abad, Skardu.
4. Mst. Amina Ansari D/o Muhammad Khalil r/o Muhallah Poqsoq/sethang Skardu and others.
5. Mst. Zakia.
6. Mst. Maryam D/o Muhammad Khalil.
7. Muhammad Ali r/o Lali Khor Abbas Town Skardu.
8. Mst. Zehra W/o Muhammad Jan r/o Muhallah Poqsoq Sethang Tehsil & District Skardu.
9. Muhammad Amin Khan S/o Muhammad Ibrahim r/o Abbas Town Moza Olding, Skardu. **Petitioners/Defendants.**

Versus

1. Mst. Halima D/o Muhammad Khalil r/o Lali Khor Abbas Town Skardu.
2. Provincial Government through Chief Secretary Gilgit-Baltistan & others.

Respondents.

PETITION FOR LEAVE TO APPEAL UNDER ARTICLE 60 OF GILGIT-BALTISTAN (EMPOWERMENT & SELF GOVERNANCE) ORDER 2009 READ WITH THE RELEVANT PROVISIONS OF GILGIT-BALTISTAN SUPREME APPELLATE COURT RULES 2008 AGAINST THE IMPUGNED JUDGMENT DATED 19/08/2015 IN CIVIL REVISION NO. 10/2014 WHEREBY ACCEPTING THE REVISION PETITION FILED BY RESPONDENT NO. 01/PLAINTIFF THE JUDGMENT/DECREE PASSED BY DISTRICT JUDGE SKARDU IN C.F.A NO. 46/2013 (AD) CONVERTING THIS PETITION FOR LEAVE TO APPEAL INTO APPEAL AND ACCEPTING THE APPEAL THE IMPUGNED JUDGMENT DATE 19/08/2015 PASSED BY THE CHIEF COURT GILGITO-BALTISTAN AND IMPUGNED JUDGMENT DATED 07/09/2013 PASSED BY CIVIL JUDGE 1ST CLASS SKARDU MAY BE SET ASIDE AND JUDGMENT DATED 17/06/2014 PASSED BY

**DISTRICT JUDGE SKARDU MAY BE MAINTAINED/UPHELD
DISMISSING SUIT OF RESPONDENT NO. 01 FOR THE ENDS OF
JUSTICE, LAW AND EQUITY.**

PRESENT:-

1. Mr. Muhammad Iqbal Advocate alongwith Mr. Ali Nazar Khan Advocate-on-Record for the petitioners.

DATE OF HEARING: - 12.04.2016.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ..... The learned counsel for the petitioners contends that the respondent No. 01 filed a Civil Suit in the court Civil Judge 1st Class Skardu for declaration and permanent injunction to the fact that the plaintiff/respondent was entitled to get her share up to the extent of 1/6 from the legacy of her late Father Muhammad Khalil after deducting 1/8 share of his widow. Who upon hearing through judgment dated 07.09.2013 in Civil Suit No. 31/2010 decreed the same in favor of the plaintiff/respondent. The petitioners/defendants feeling aggrieved by and dissatisfied with filed Civil First Appeal No. 46/2013 before the Court of District Judge Skardu for setting aside the judgment of the learned Civil Court. Whereby, the learned District Judge Skardu vide judgment dated 17.06.2014 in CFA No. 46/2013 and 34/2014 partially accepted the appeal and decreed to the extent of Suit properties situated at Mouza Hoto, Mouza Hussain Abad under survey number 2565/22 and Mouza Olding under survey number 16013/5306 (Poqsoq) was set aside and decree to the extent of two (020 houses situated at Olding Kharmang and Skardu was maintained. The respondent No 01 feeling aggrieved by and

dissatisfied with filed Civil Revision No. 10/2014 in the learned Chief Court against the judgment of learned District Judge Skardu. Who upon hearing vide judgment dated 19.08.2015 in Civil Revision No. 10/2014 set aside the impugned judgment passed by the learned District Judge Skardu declaring the same based on mere conjectures and being misreading of evidence while maintaining the judgment of the learned Civil Judge Skardu. He submits that the judgments of the learned Civil Judge and the learned Chief Court are not tenable and liable to set aside as the same is the result of misreading and non-appreciation of evidence. He finally submits that the learned Chief Court did not consider the concealing and distortion act of respondent No.01 regarding the sale of her share at Sethang Olding, Hussain Abad total measuring of eight (08) kanals and ten (10) marlas to the respondent No. 03. He finally prays that both the judgments passed by the learned Civil Judge Skardu and learned Chief Court be set aside being not sustainable whereas the judgment passed by the learned First Appellate Court be maintained.

We have heard the learned counsel for the petitioner at length, perused the record of the case file and gone through the impugned judgment dated 19.08.2015 in Civil Revision No. 10/2014 as well as the judgments passed by both the courts below. The learned counsel for the petitioner could not point out any infirmity and illegality in the well reasoned impugned judgment passed by the learned Chief Court Gilgit-Baltistan, therefore, no

interference is warranted in the impugned judgment. Consequently, we are not inclined to grant leave to appeal. The petition is dismissed and the leave is refused. The impugned judgments dated 19.08.2015 in Civil Revision No. 10/2014 passed by the learned Chief Court and judgment dated 07.09.2013 passed in Civil Suit No. 31/2010 by the learned Civil Judge Skardu are maintained.

The leave is refused.

Chief Judge.

Judge.

Judge.

Whether the case is fit to be reported or not?