

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

BEFORE:-

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

**Civil Appeal No.04/2016
in
CPLA No.06/2016.**

1. Muhammad son of Bilal resident of Muhallah Balghar, Tehsil
Daghoni Khapulu, District Ghanche.

PETITIONER.

VERSUS

1. Yousaf son of Abdul Salam, resident of Muhallah Khanqah Balghar,
Tehsil Daghoni, District Ghanche.

RESPONDENT.

PRESENT:-

1. Mr. Shaukat Ali Senior Advocate on behalf of the
petitioner.
2. Mr. Muneer Ahmed Advocate for the respondent.

DATE OF HEARING: - 05.10.2016.

DATE OF DETAIL JUDGMENT: - 03.11.2016.

JUDGEMENT.

Dr. Rana Muhammad Shamim, CJ..... This petition has arisen out of the impugned judgment dated 11.06.2016 in Civil Revision No. 05/2013, passed by the learned Chief Court, Gilgit-Baltistan, whereby the petition filed by the present petitioner was dismissed being meritless. The petitioner being aggrieved filed this petition for leave to appeal. This court vide order dated 09.09.2015 granted leave to appeal consequently issued notice to the respondent and the case was heard on 05.10.2016. The petition of the petitioner upon hearing was dismissed vide this court's short order dated 05.10.2016.

2. The brief facts of the case are that the petitioner/plaintiff filed Civil Suit No. 38-A/2010(19/2000, 37/2002, 5/2016) for cancellation of gift deed dated 08.07.2000 bearing registration No.08/2000 and for perpetual injunction etc against the respondent which upon hearing was partially decreed to the extent of cancellation of gift deed dated 08.07.2000 whereas the prayer for perpetual injunction was dismissed vide judgment dated 30.06.2012. The suit No.46/2011 filed by the respondent was decreed in favour of the respondent. Whereafter both the petitioner and the respondent feeling aggrieved filed Civil First Appeal Nos. 18/2012 and 20/2012 respectively which upon hearing were dismissed and the partial decree passed by the learned Trial Court in favour of the petitioner/plaintiff was also dismissed vide judgment dated 12.12.2012. The petitioner again assailed the judgment of the learned First Appellate Court before the learned Chief Court which upon hearing the impugned judgment was upheld, hence, this petition for leave to appeal.

3. The learned counsel for the petitioner submits that the disputed property is yet in the possession of the petitioner as he is the real owner of the property in question. He also submits that the gift deed effected on 08.07.2000 in favour of the petitioner was admitted by the respondent as well. He submits that the learned First Appellate Court and the learned Chief Court failed to appreciate this admitted fact and did not consider the same while passing the judgments. He reiterates that Mohammad, father of

Abdus Salam is real brother of one Bilal. So, Mohammad and Bilal are inter se real brothers. Mr. Mohammad is son of Bilal and Yusuf is son of Abdus Salam. Mr. Abdul Salam gifted his property through gift deed dated 25.05.1999 to his nephew Mohammad and thereby deprived his son Yousaf. Mr. Yousaf filed suit for cancellation of the said gift deed before Collector while Mr. Muhammad filed suit for permanent injunction. He submits that the learned courts below fell in error to consider the said gift and passed the impugned judgments which are not sustainable and liable to be set aside.

4. Conversely, the learned counsel appearing on behalf of the respondent supports the impugned judgment dated 11.06.2016 passed by the learned Chief Court. He contends that there are concurrent findings of the three courts below are well reasoned and well founded and no interference is warranted therein.

5. We have heard the learned counsels for the respective parties at length, perused the record of the case file and gone through the concurrent findings of three courts below. The learned counsel for the petitioner could not point out any illegality and infirmity in the impugned judgment dated 11.06.2016 passed by the learned Chief Court.

6. In view of the above discussions we dismissed this appeal vide our short order dated 05.10.2016. Consequently, the impugned order dated 11.06.2014 in Civil Revision No. 05/2013 passed by the learned Chief court and the concurrent findings of the courts below were maintained. These were the reasons for the said short order.

7. The appeal is dismissed in above terms.

Chief Judge.

Judge.

Whether the case is Fit to be reported or Not?