

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

BEFORE:-

- 1. Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.**
- 2. Mr. Justice Muzaffar Ali, Judge.**

CIVIL APPEAL NO 03/2015.

Rozi Khan (Late) S/o Aziz through Legal Heirs:-

1. Muhammad Ali.
2. Muhammad Ayaz S/o Rozi Khan R/o Village Bolin Tehsil & District Astore.

PETITIONERS/DEFENDANTS.

VERSUS

Mst. Shah Jahan D/o Hamza Khan R/o Village Bolin Tehsil and District Astore.

RESPONDENT/PLAINTIFF.

PETITION FOR GRANT OF LEAVE TO APPEAL AGAINST JUDGMENT/DECREE DATED 10.12.2013, PASSED BY HONOURABLE JUDGE NO.1 CHIEF COURT GILGIT-BALTISTAN WHEREBY HE DISMISSED THE REVISION PETITION NO. 59/2010 BY UPHOLDING THE JUDGMENT/DECREE OF LEARNED ADDITIONAL DISTRICT JUDGE ASTORE DATED 30.09.2010, JUDGMENT /DECREE DATED 08.07.2009 PASSED BY THE LEARNED CIVIL JUDGE ASTORE.

BY GRANTING LEAVE TO APPEAL SAME MAY KINDLY BE ACCEPTED BY SETTING ASIDE THE IMPUGNED JUDGMENT/DECREE DATED 10.12.2013 PASSED BY THE LEARNED CHIEF COURT GILGIT-BALTISTAN, JUDGMENT /DECREE DATED 30.09.2010 PASSED BY ADDITIONAL DISTRICT JUDGE ASTORE, JUDGMENT /DECREE DATED 08.07.2009 PASSED BY THE LEARNED CIVIL JUDGE ASTORE AND DISMISSIN THE SUIT NO. 67/2002 OF PLAINTIFF/RESPONDENT TO MEET THE ENDS OF JUSTICE.

Present:-

1. Mr. Muhammad Issa, Senior Advocate for the petitioners.
2. Mr. Orang Zaib Advocate on behalf of the respondent.

DATE OF HEARING: - 17 .09.2015.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ.....The learned senior counsel for the petitioners contended that a civil suit bearing

No. 67/2002, was filed by the petitioner before the learned Civil Judge 1st Class, District Astore for declaration of the title and for consequential relief. Upon hearing, the learned Trial Court District Astore vide order dated 08.07.2009, decreed the same in favour of the Plaintiff/respondent to the extent of 27 Kanals land out of 47 Kanals and 17 Marlas. Being aggrieved by and dissatisfied with the order/decreed dated 08.07.2009, passed by the learned civil Judge 1st class Astore in civil Suit No. 67/2002, the petitioner filed Civil First Appeal No. 14/2009, in the Court of the learned Additional District & Session Judge Astore while calling in question the order dated 08.07.2009, passed by the learned trial Court District Astore. He further contended that the learned Additional District Judge District Astore after hearing the Civil First Appeal No. 14/2009 through his order dated 30.09.2010, dismissed the appeal and maintained the impugned order dated 08.07.2009, passed by the learned Civil Judge 1st Class District Astore in suit No. 67/2002, the learned counsel submitted that both the concurrent findings of the Courts below was a result of non-appraising of evidence on record, hence, the same are liable to set aside and not tenable.

The learned counsel for the petitioners further submitted that feeling aggrieved by and dissatisfied with the concurrent findings of both the Courts below, a Civil Revision No. 59/2010 was filed by the Petitioners/defendants before the learned Chief Court, Gilgit-Baltistan. Upon hearing the parties, the learned Chief Court Gilgit-Baltistan vide Order dated 10.12.2013, maintained the

judgments of both the Courts below i.e. judgment/decreed dated 08.07.2009, passed by the learned civil Judge 1st Class District Astore and impugned order/decreed dated 30.06.2010 passed by the learned Additional District Judge Astore respectively.

The learned counsel appearing on behalf of the petitioners further contended that the learned Chief Court, Gilgit-Baltistan has passed the impugned judgment/order dated 10.12.2013, while misreading the evidence and misconceiving the facts and important legal points and ignored the documents produced by the parties, therefore, the impugned judgment is liable to set aside as the same is not maintainable.

On the other hand, the learned counsel for the respondent submitted that the concurrent findings of three Courts are based on solid legal and factual grounds, therefore, the same be maintained, being well founded and well reasoned.

We have heard the learned counsel for the petitioners, perused the record of case file, gone through the impugned order dated 10.12.2013 passed by the learned Chief Court, Gilgit-Baltistan in Civil Revision Petition No. 59/2010, as well as the order dated 30.09.2010, passed by the learned Additional District Judge District Astore in CFA NO. 14/2009 and judgment/decreed dated 08.07.2009, passed by the learned Civil Judge 1st Class, District Astor in Civil Suit NO. 67/2002. In our considered view all the judgments/decrees of the three Courts below are well reasoned

as no infirmity and illegality was pointed out by the learned counsel for the petitioner. The petition was consequently converted into an appeal and dismissed. These are the reasons for the short order dated **17.09.2015**.

The appeal is dismissed.

Chief Judge.

Judge.

Whether the case is Fit to be reported or Not?