

**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. 41/2017
In
CPLA No. 46/2016.**

Yad Gari & others

Petitioners.

Versus

Government of Gilgit-Baltistan & others

Respondents.

PRESENT:-

1. Mr. Amjad Hussain Advocate alongwith Mr. Ali Nazar Khan Advocate-on-record for the petitioners.
2. Mr. Saeed Iqbal, Deputy Advocate General on behalf of the respondents.

DATE OF HEARING: - 11.08.2017.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ..... This petition for leave to appeal has arisen out of the impugned judgment dated 20.11.2015 in Civil Revision No. 60/2015 passed by the learned Chief Court whereby the said Civil Revision filed by the Petitioners was dismissed by maintaining the concurrent findings of the courts below. The petitioners being aggrieved by and dissatisfied with filed this petition for leave to appeal. This court vide order dated 08.11.2016 issued notices to the respondents and the case is heard today.

2. Briefly the facts of the case are that the petitioners/plaintiffs filed Civil Suit No. 73/2002 in the Court of learned Civil judge Puniyal/Ishkomen for declaration and

permanent injunction contending therein that the suit land was given to them by the then Raja Gupis in lieu of services rendered by the petitioner No. 01 and he is in possession of the said land since 1965. Upon hearing, the said suit was dismissed vide judgment dated 29.09.2012 declaring the disputed land as Khalisa Sarkar. The judgment of the learned trial Court was upheld up to the learned Chief Court. The petitioners being aggrieved filed this petition for leave to appeal for setting aside the concurrent findings of the learned three Courts below.

3. The learned counsel for the petitioners submits that the petitioner is in possession of the disputed land since 1965 and the land in question was given to him by the then Raja Gupis in return of his services. The adjacent land belongs to the then Raja which is in possession of his sons. He also submits that the petitioners have made huge development in land in question by planting trees etc. Per learned counsel District Ghizer is an unsettled area and there is no Khalisa land thereat Ghizer, hence, the findings of the Courts below are the misinterpretation of law and facts of the case. He submits that although there are three concurrent findings of the Courts below yet all the Courts fell in error while passing the impugned judgments/orders. He prays that the impugned judgment dated 20.11.2015 in Civil Revision No. 60/2015 passed by the learned Chief Court may graciously be set aside.

4. On the other hand, the learned Deputy Advocate General supports the impugned judgment dated 20.11.2015 in Civil

Revision No. 60/2015 passed by the learned Chief Court. He contends that the petitioners failed to produce an iota of evidence in support of his claim. He also contends that the learned counsel for the petitioner himself conceded in the learned Chief Court that the land is Khalisa Sarkar. He further contends that the Courts below have rightly dismissed the appeal of the petitioner while passing the impugned judgments/orders, hence, no indulgence is warranted into its by this court. He prays that the impugned judgment dated 20.11.2015 in Civil Revision No. 60/2015 passed by the learned Chief Court may pleased be maintained.

5. We have heard the learned counsels for the respective parties at length, perused the record of the case file and gone through the impugned judgment dated 20.11.2015 in Civil Revision No. 60/2015 passed by the learned Chief Court and the concurrent findings of the learned Courts below. The perusal of the record transpires that the petitioner failed either to produce any evidence with regard to the allotment or the gift deed so affected by the then Raja as per his claim regarding the said land in his favour mere possession of the land does not create right of ownership. The learned counsel for the petitioner also could not point out any illegality & infirmity in the impugned judgment dated 20.11.2015 in Civil Revision No. 60/2015 passed by the learned Chief Court.

6. In view of the above, we convert this petition into an appeal and the same is dismissed. Consequent thereto, the

impugned judgment dated 20.11.2015 in Civil Revision No. 60/2015 passed by the learned Chief Court is maintained.

7. The appeal is dismissed in above terms.

Chief Judge.

Judge.