

**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. 32/2017.

in

C.P.L.A. No. 15/2015

1. Shafio and 06 others.

Petitioners

VERSUS

Mst. Zurait d/o Sultan resident of Yarkote Khomer District Gilgit through legal heirs and 05 others.

Respondents

Present:-

1. Mr. Amjad Hussain, Advocate alongwith Mr. Rehmat Ali, Advocate-on-Record for the petitioners.
2. Mr. Mir Akhlaq Hussain, Advocate on behalf of the respondents.

DATE OF HEARING:- 03-07-2017.

DATE OF DETAIL JUDGMENT:--08-2017.

JUDGMENT

JAVED IQBAL, J..... This petition for leave to appeal has been directed against concurrent judgments/decrees of three learned Courts below i.e. judgment/decree passed by Civil Judge Gilgit vide Civil Suit No. 103/97 dated 22-12-2006, judgment/decree passed by learned District Judge Gilgit vide CFA. No. 46/2007, 50/2011 dated 29-11-2012 and judgment/decree passed by learned single bench of Chief Court Gilgit vide Civil Revision No. 09/2014 dated 21-11-2014. Whereby all learned three courts below decreed the suit of Mst. Zurait through legal heirs of respondents/Plaintiffs.

2. The plaintiff has filed the suit with contention that plaintiff's father has no male heir and plaintiff and her sister Gul Nasreen were sole heirs of movable and immoveable property of deceased father. Plaintiff's sister has expired childless. Defendants have no right with disputed land, as they are third class of heirs. The disputed lands are in possession of defendants as trust. Defendants have transferred the lands in their name through bogus mutation on 17/10/1946 and 10/12/1949, which are illegal, in affective and ab ignition void.

Defendants filed their written statement and denied the claim. They averred in their written statement that 10/11 kanals lands are in possession of defendants since 1949. Plaintiff's father has soled and gifted some portion of land in his life and remaining land 10/11 kanals has been gifted to defendant No.3.

3. In the light of pleadings that trial court framed as much as 13 issues including the relief. The trial court after leading evidence by both the parties, the trial court decreed the suit of plaintiffs/respondents as prayed for vide judgment/decreed dated 22-12-2006, civil suit No. 103/97. Feeling aggrieved by this judgment/decreed the defendants/respondents filed Civil 1st Appeal before District Judge Gilgit vide judgment dated 29-11-2012 CFA. No. 46/2007, 50/2011, dismissed the appeal of defendants/appellants.

4. Having been dissatisfied and feeling aggrieved on findings of learned District Judge the defendants/appellants filed Civil Revision before learned Chief Court Gilgit, the learned single bench of Chief Court vide judgment No. 09/2014 dated 21-11-2014, dismissed the revision and upheld the findings of concurrent judgments of courts below.

4. We have heard the learned counsel for the petitioners/defendants Mr. Amjad Hussain, Advocate contended that, all the three learned courts below fell error to misreading and non-reading the evidence lead by defendants/appellants as well as documentary evidence, hence liable to be set aside.

5. On the other hand counsel for the respondents/plaintiffs Mr. Mir Akhlaq Hussain Advocate vehemently opposed and contended that, the findings of three courts below are based on solid grounds, therefore the same be maintained.

6. We have minutely examined the record available of case file, as well as findings of three learned courts below, with the help of arguments advanced by learned counsel of the parties.

7. In our considered view, the judgment/decree passed by Civil Judge Gilgit in civil suit No. 103/97 dated 22-12-2006, judgment/decree passed by District Court Gilgit vide CFA. No. 46/2007, 50/2011 dated 29-11-2012 and Civil Revision No. 09/2014 dated 21-11-2014 passed by learned single bench of Chief Court Gilgit are well reasoned on solid grounds and we do not see any infirmity and illegality. Consequently this petition for leave to appeal converted into an appeal and hereby dismissed. These are the reasons of our short order dated 03-07-2017.

8. The appeal is dismissed in above terms.

JUDGE

CHIEF JUDGE

Whether the case is Fit to be reported or Not?