

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

Present:

Justice Aamer Farooq

Justice Ali Baqar Najafi

CPLA No.2340-L-2017 & C.A. No.206-L-2017)

(Against the judgment dated 29.05.2017 passed by
Lahore High Court, Lahore in C.R. No.2615-2011 and RSA No.134-2011)

Javaid Iqbal

...Petitioner(s)
(in both cases)

VERSUS

Ruqayya Begum etc.

...Respondent(s)
(in both cases)

For the Petitioner(s):

Ch. Muhammad Anwar Naro, ASC
(in both cases)

For the Respondent(s):

Ch. Khurshid Anwar Bhinder, ASC
(in both cases)

Date of Hearing:

22.04.2025

ORDER

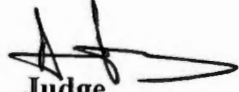
Aamer Farooq, J.- The petitioner instituted a suit for possession through preemption which was dismissed by trial court on 30.06.2010. Appeal preferred against said judgment and decree was partially allowed to the extent of half share of the suit property vide judgment and decree dated 08.06.2011. The petitioner as well as respondents challenged the referred judgment; in this behalf, respondents filed Regular Second Appeal (RSA No.134 of 2011), while the petitioner filed Civil Revision (C.R. No.2615-2011). Civil Revision filed by the petitioner was dismissed, whereas appeal filed by the respondents was allowed vide impugned judgment dated 29.05.2017. Consequently, the petitioner filed Civil Petition for Leave to Appeal (CPLA No.2340-L-2017) against dismissal of Civil Revision and Civil Appeal (C.A. No.206-L-2017) against acceptance of appeal.

2. At the very outset, learned counsel for the petitioner was confronted that talb-e-ishhad has not been proved, as service was effected on Rehan, who is son of vendee; learned counsel was unable to respond to the referred query and conceded that this is the position. Even-otherwise, there is nothing on record which shows that there is any misreading or non-reading of evidence resulting in

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miscarriage of justice to the petitioner. The impugned judgment does not suffer from any illegality or jurisdictional error warranting interference.

3. In view of above, while refusing leave to appeal, CPLA as well as Civil Appeal are dismissed.


Judge


Judge

Lahore
22.04.2025
Not approved for reporting
Zawar /-