

**ORDER SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

C.R.No.288/2019  
Col. Muhammad Shakeel  
**Versus**  
Federation of Pakistan and another

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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**12.07.2019 Ch. Riaz Ahmad, Advocate for the petitioner**

Through this order, I propose to decide civil petition No.288/2019 and writ petition No.2610/2019, since they entail common questions of law and fact.

2. Through the instant civil revision petition, the petitioner, Col. Muhammad Shakeel, impugns the order dated 20.06.2019, passed by the Court of the learned District Judge, Islamabad, dismissing his application under Order XLI, Rule 27 of the Code of Civil Procedure, 1908 ("C.P.C."). Vide said order dated 20.06.2019, the application under Order I, Rule 10 C.P.C. filed by the Anti Narcotics Force was also dismissed.

3. The record shows that on 17.04.2019, the petitioner filed a suit for declaration and permanent injunction praying for *inter-alia* a declaration to the effect that he was the lawful allottee of Government accommodation (House No.8-B, Street No.33, F-8/1, Islamabad). The said suit was contested by respondent No.1 (Federation of Pakistan) by filing a written reply. Vide order and decree dated 17.05.2019, the plaint in the said suit was rejected under Order VII, Rule 11 C.P.C. In the said order, it was observed that the said Government accommodation had been temporarily attached with the department of Anti Narcotics Force for

use as temporary official residence by the petitioner, and that by virtue of direction passed by Hon'ble Supreme Court in H.R.C. No.20746/2018, the attachment was withdrawn/cancelled.

4. The petitioner preferred an appeal against the said order and decree before the Court of the learned District Judge, Islamabad. The order sheet reveals that on 13.06.2019, the matter was adjourned to 20.06.2019 for arguments. On 20.06.2019, the Anti Narcotics Force moved an application under Order I, Rule 10 C.P.C. for its impleadment in the appeal. On the said date, the petitioner also moved an application for bringing on record additional documents. Vide the impugned order dated 20.06.2019, the said applications were dismissed by the learned Appellate Court. In the said order, it was observed that the Anti Narcotics Force was neither a necessary nor a proper party to the appeal, and that the said application had been moved to delay the proceedings. The other application under Order XLI, Rule 27 C.P.C. was also dismissed on the ground that the documents sought to be produced by the petitioner were not relevant.

5. Learned counsel for the petitioner could not convince this Court that the impugned order dated 20.06.2019 suffers from any jurisdictional infirmity. The learned Appellate Court was correct in holding that the sole question that needs to be decided was whether the Anti Narcotics Force is entitled organization to whose employees the Government accommodation could be allotted. Without expressing my views on the merits of the petitioner's case, these petitions are dismissed.

6. The order sheet reveals that the learned Appellate Court had fixed 04.07.2019 for arguments, if the appeal has not already been decided, it is expected that it would be decided on the next date of hearing.

**(MIANGUL HASSAN AURANGZEB)**  
**JUDGE**

Qamar Khan\*