

Form No: HCJD/C-121
ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

Civil Revision No.334/2014

Mst Noushi Martha

Versus

Saleem Raza, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	22-05-2019	Mr Muhammad Jamshaid Hussain Shah, Advocate for petitioner.

Through this petition, the petitioner has assailed judgments and decrees, dated 31-01-2013 and 24-05-2013, passed by the learned Civil Judge 1st Class (West), Islamabad and the learned Additional District Judge (West), Islamabad, respectively.

2. The facts, in brief, are that the petitioner filed a suit on 25-05-2012 seeking declaration and permanent injunction. It was asserted in the plaint that the petitioner was adopted by the owners of House No.30, Service Road, Sector G-7/3-2, Islamabad (*hereinafter referred to as the* ***'Property'***). She had further asserted that she was

living in the Property and that the defendants who were nephews of the deceased owners were threatening her with eviction. Earlier another suit was filed by the petitioner on 03-03-2012 seeking the same prayer which was dismissed as withdrawn vide order, dated 19-05-2012, on the basis of statement made by the latter to the effect that the parties had entered into a compromise. The learned trial Court dismissed the suit under Order VII Rule 11 of the Code of Civil Procedure, 1908. The learned appellate Court upheld the order vide judgment, dated 24-05-2013.

3. The learned Counsel for the petitioner has been heard at length. The learned Counsel, however, could not show any illegality or material irregularity requiring interference with the concurrent findings recorded by two competent Courts. It is noted that in case the earlier suit was withdrawn on the basis of a compromise, then the terms thereof were required to have been incorporated at the time of drawing up a decree after passing of order, dated 19-05-2012. If such a decree was not drawn up by the learned Court, then the petitioner, if so advised, would be at liberty to

approach the learned trial Court for drawing up a decree. In so far this petition is concerned, the concurrent findings have not been found to suffer from any legal infirmity let alone misreading or non-reading of record.

4. For what has been discussed above, the instant petition is without merit and, therefore, accordingly dismissed.

(CHIEF JUSTICE)

Luqman Khan.