

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

C.R.No.348/2019

Ali Asghar

Versus

Imtiaz Bibi and another

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	19.09.2019	Mr. Shaukat Ali Awan, Advocate for the petitioner

Through the instant civil revision petition, the petitioner, Ali Asghar, impugns the judgment and decree dated 05.07.2019, passed by the Court of the learned Additional District Judge, Islamabad, whereby his appeal against the judgment and decree dated 12.03.2019, passed by the Court of the learned Civil Judge, Islamabad, was dismissed. Vide the said judgment and decree dated 12.03.2019, the learned Civil Court decreed respondent No.1's suit for "*declaration and recovery of possession*" of House No.51/63 in Junejo Colony, Tarlai, Islamabad ("the suit house").

2. Learned counsel for the petitioner submitted that the concurrent judgments and decrees passed by the learned Courts below suffer from misreading and non-reading of evidence; that the allotment certificate dated 29.09.1990 (Exh.P/1) is a forgery; that since the electricity bill (Exh.P.1/2) and the gas bill (Exh.P.1/3) have been issued in the petitioner's name, he is the owner of the suit house; that respondent No.1 could not produce any credible evidence to prove that she was the owner/lawful allottee of the suit house; that the petitioner has been in lawful occupation of the suit house for several years; that since a National Identity Card was issued to respondent No.1 on 11.10.2007, she could not have been issued the

allotment letter in the year 1990; and that an ejectment petition filed by respondent No.1 had been dismissed by the Court of the learned Rent Controller since respondent No.1 was unable to prove the relationship of landlord and tenant. Learned counsel for the petitioner prayed for the revision petition to be allowed and for the concurrent judgments and decrees passed by the learned Courts below to be set-aside.

3. I have heard the contentions of the learned counsel for the petitioner and have perused the record with his able assistance.

4. Through allotment certificate dated 29.09.1990 (Exh.P/1), the suit house was allotted to respondent No.1. Learned counsel for the petitioner asserted that the said allotment certificate was a forgery. At the stage when the said allotment certificate was produced in evidence, the petitioner had not asserted that the said certificate was a forgery. The learned Civil Court had initially dismissed respondent No.1's suit with the observation that the allotment certificate (Exh.P/1) appears to be forged. An appeal against the initial judgment and decree dated 10.06.2013 was allowed by the learned Appellate Court on 16.12.2013 and the matter was remanded to the learned Civil Court. In the post-remand proceedings before the learned Civil Court, a copy of the allotment letter in favour of respondent No.1 was produced as Mark-C/1 on behalf of the Assistant Commissioner (Secretariat), Islamabad. Furthermore, the list of the persons who were selected for the allotment was produced as Exh.C/2. All these documents show that the suit house had been allotted to respondent No.1.

5. Although the electricity and gas bills with respect to the suit house are in the petitioner's name, but he could not produce any document to show that the suit house was either allotted to him or purchased by him. An occupant cannot be declared as the owner of the property in his occupation only on the basis of the utility bills being in his name.

6. Since I do not find the concurrent judgments and decrees to be the outcome of any misreading and non-reading of evidence, the instant revision petition is dismissed *in limine*.

(MIANGUL HASSAN AURANGZEB)
JUDGE

*Sultan**