

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

W.P.No.62 of 2021  
Ilyas Masih  
**Versus**  
Waris Masih and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	<b>18.01.2021</b>	Mr. Raheel Azam Khan Niazi, Advocate for the petitioner.

Through the instant writ petition, the petitioner, Ilyas Masih, impugns the judgment and decree dated 07.12.2020 passed by the Court of the learned Additional District Judge, Islamabad, whereby the petitioner's appeal against the judgment and decree dated 29.10.2019 passed by the Court of the learned Civil Judge, Islamabad, was dismissed. Vide the said judgment and decree dated 29.10.2019, the learned Civil Court decreed the suit for permanent and mandatory injunction instituted by respondent No.1 (Waris Masih), and restrained the petitioner for interfering in respondent No.1's peaceful possession over the suit plot i.e. Plot No.431-D situated at Kachi Abadi, Sector G-8/1, Islamabad.

Learned counsel for the petitioner submitted that the learned Courts below concurrently erred by giving a declaration as to respondent No.1's ownership over the suit plot, when no such relief had been sought by respondent No.1 in his suit; and that the concurrent judgments and decrees passed by the learned Courts below are the outcome of misreading and non-reading of evidence.

Issue pre-admission notice to respondent No.1.

**C.M. No.01/2021**

Notice.

**C.M. No.02/2021**

Exemption sought for is allowed subject to  
all just and legal exceptions.

**(MIANGUL HASSAN AURANGZEB)  
JUDGE**

Sultan\*