

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,
GILGIT.**

Before:-

**Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.
Mr. Justice Javed Iqbal, Judge.
Mr. Justice Shahbaz Khan, Judge.**

**C. Misc. No. 53/2016
CPLA. No. 49/2014.**

The Agriculture Department & others	Petitioners.
Versus	
Haji Juma Shah	Respondent.

PRESENT:-

1. The Advocate General Gilgit-Baltistan for the petitioners.
2. Mr. Manzoor Ahmed Advocate alongwith Mr. Rehmat Ali Advocate-on-Record on behalf of the respondent.

DATE OF HEARING: - 23.06.2016.

ORDER.

The learned Advocate General submits that the respondent/defendant filed a Civil Suit against the petitioner in the court of learned Civil Judge Diamer for declaration and possession of the suit land. Whereby the Suit of the petitioner was disposed off on the basis of side inspection of the Civil Judge and the parties were agreed to accept the boundaries of the suit land as demarcated by the two arbitrators/Notables of the area namely Haji Samad Khan And Haji Salam Baig vide order dated 19.05.1977. The respondent being aggrieved filed Civil First Appeal No. 146/1977 before the learned Additional District Judge Diamer wherein the same was accepted vide order dated 20.03.1980. Consequently, the judgment/decrees dated 19.05.1977 passed by the learned Civil Judge was set aside and the case was remanded back to the

learned Civil Judge Chilas for fresh determination of the rival claims of the parties. He further submits that being aggrieved the parties filed separate appeals before the learned Additional District Judge whereby the appeal No. 11/93 of the present petitioner was accepted by granting a decree of 41 Kanal and 14 Marla of the land and the appeal No. 12/92 filed by the petitioner was dismissed vide judgment/decree dated 29.05.2000. He also submits that the parties being aggrieved filed Civil 2nd Appeal No. 06/95 and 07/95 respectively before the learned Gilgit-Baltistan Chief Court. Who upon hearing dismissed the petition being devoid of any merit vide Judgment dated 12.11.2013. Consequently, the impugned judgment dated 25.04.2011 passed by the learned Additional District Judge Gilgit and the order dated 05.11.2008 of the learned Civil Judge 1st Class Gilgit were maintained. The petitioner being aggrieved filed this petition for leave to appeal. The learned Advocate General finally submits that the impugned judgment dated 12.11.2013 of learned Gilgit-Baltistan Chief Court as well as the judgments/orders passed by the courts below are the result of misconception of law and facts, hence, the same are required to be set aside.

On the other hand, the learned counsel appearing on behalf of the respondents supports the impugned judgment 12.11.2013 of the learned Gilgit-Baltistan Chief Court as well as the judgments/decrees of the First Appellate court. He contends that the impugned judgment of the learned Chief Court as well as the

judgment of First Appellate Court are well reasoned and has been passed in accordance with law and no interference is warranted.

We have heard the learned counsel for respective parties at length, perused the record of case file and gone through the impugned judgment dated 12.11.2013 passed by the learned Chief Court as well as the judgments/decrees passed by the courts below and in our considered view the judgment passed by the learned First Appellate Court as well as impugned judgment passed by the learned Gilgit-Baltistan Chief Court are well founded. Resultantly, this petition is converted into an appeal and the same is dismissed. The learned Trial Court is required to hear and decide the case on its merit expeditiously within a period of three (03) months as directed by the learned Additional District Judge Gilgit in its judgment dated 25.04.2011 passed in Civil Revision No. 24/2011.

The petition is dismissed in above terms.

Chief Judge.

Judge.

Judge.