

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,
GILGIT.
CPLA No.94/2014.**

Before:-

1. Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.
2. Mr. Justice Muzaffar Ali, Judge.

Barat Ali and others.

PETITIONERS/APPELLANTS/PLAINTIFFS.

VERSUS

Mst. Maher Banu & others

RESPONDENTS.

PETITION FOR LEAVE TO APPEAL UNDER ARTICLE 60 OF GILGIT-BALTISTAN (EMPOWERMENT & SELF GOVERNANCE) ORDER, 2009, AGAINST THE IMPUGNED JUDGMENT/DECREE DATED 04.04.2014 PASSED BY THE CHIEF COURT GILGIT-BALTISTAN INCIVIL REVISION NO.53/2013 WHEREBY ACCEPTING THE REVISION PETITION THE JUDGMENT / DECREE PASSED BY ADDITIONAL DISTRICT JUDGE HUNZA-NAGAR DATED 14.06.2013 AND JUDGMENT/DECREE DATED 06.08.2010 PASSED BY THE CIVIL JUDGE 1ST CLASS GILGIT HAVE BEEN SET ASIDE.

FOR SETTING ASIDE THE IMPUGNED JUDGEMENT/DECREE OF LEARNED CHIEF COURT DATED 04.04.2014 ADMITTING THIS PETITION FOR LEAVE TO APPEAL INTO AN APPEAL AND ACCEPTING THE APPEAL JUDGMENTS/DECREES OF 1ST APPELLATE COURT AND TRIAL COURT MAY KINDLY BE MAINTAINED FOR THE END F JUSTICE, LAW AND EQUITY.

Present:-

1. Mr. Amjad Hussain Advocate for the petitioners.

DATED OF HEARING: - 17-09-2015.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ.....The

learned counsel for the petitioners submits that the petitioners filed civil suit No.100/2009 in the court of the Civil Judge First Class for declaration and possession of the disputed property on the ground of a gift executed by predecessor-in-terest in favour of the petitioners. Since then they are not in possession of the said land. He further submits that the judgment dated 06.08.2010 was upheld by the

First Appellate Authority i.e. The learned District Judge Hunza/Nagar in its judgment dated 14.06.2013 in Civil Appeal No.05/2013. The petitioners being aggrieved by and dissatisfied with the said impugned judgment filed Revision No. 53/2013 before the learned Chief Court, Gilgit-Baltistan, which upon hearing was accepted and the judgments of both the courts below were reversed vide its order dated 04.04.2014. Being aggrieved by and dissatisfied with the impugned Judgment passed by the learned Chief Court Gilgit-Baltistan in Civil Revision No.53/2013 dated 04.04.2014 the petitioners challenged the said judgment in this court with the contentions that the same is illegal, incorrect and arbitrary and based on non-reading and non appreciation of evidence on record, hence, the same is not sustainable and liable to set aside.

He further contends that the impugned judgment dated 04.04.2014 is based merely over opinions and conjectures and surmises which caused the miscarriage of justice. He also contended that the learned Chief Court Gilgit-Baltistan failed to apply its judicial mind to the facts regarding legality of the gift which was executed in favour of the petitioners and the findings of the learned Chief Court thereto are not tenable in law. Lastly, he contended that the findings of the learned Chief Court Gilgit-Baltistan are perverse and ambiguous and against the material on record and prayed that judgment of learned Chief Court Gilgit-Baltistan is not sustainable and liable to set aside and the judgments of the learned Civil Judge

Hunza/Nagar and the learned First Appellate Court Judge/District Judge Hunza/Nagar be maintained.

We have heard the learned counsel for the petitioners, perused the record and gone through the Judgment passed in Civil Revision No.53/2013 dated 04.04.2014, by the learned Chief Court Gilgit-Baltistan, which is, in our considered view is well reasoned and well founded. Since, no illegality and infirmity has been pointed out by the learned counsel for the petitioners in the said impugned Judgment, therefore, we are not inclined to grant leave to appeal in the instant petition. Leave is accordingly refused. The order/Judgment dated 14.06.2013 in Civil Revision No. 53/2013 passed by the learned Chief Court, Gilgit-Baltistan is maintained.

Leave refused.

Chief Judge.

Judge.

Whether the case is fit to be reported or not?