

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

Before:-

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

**C. Appeal. No. 12/2015
In
CPLA No. 39/2014.**

1. Mst. Meherjani.
 2. Mst. Haleema d/o of Latif Shah r/o Dashkin Tehsil & District Astore.
- Petitioners.**

Versus

1. Provincial Government through Chief Secretary Gilgit-Baltistan, Gilgit.
 2. Deputy Commissioner/Collector Astore.
 3. Deputy Director Education, Gilgit.
 4. Director Education, Gilgit.
 5. Public at large village, Dashkin, Turbling, Khusdkusht Hercho District Astore Through representatives.
 - i. Ghulam Muhammad r/o Hercho.
 - ii. Sifat Mir s/p Mustafa.
 - iii. Ayub s/o Jumaraly r/o Khusdkusht.
 - iv. Yaseen s/o Ramzan r/o Dashkin, Chairman Union Council Doian District Astore.
- Respondents.**

Proforma Respondents.

PRESENT:-

1. Mr. Johar Ali Khan Advocate for the petitioners.
2. The Advocate General on behalf of the respondents.

DATE OF HEARING: - 08.09.2016.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ..... This Petition has been directed against the impugned judgment/decrees dated 22.08.2013 in Civil Revision No. 06/2013 passed by the learned Gilgit-Baltistan Chief Court, whereby, the Civil Revision of the respondents was accepted while setting aside the concurrent findings of the courts below. The petitioner being aggrieved filed this petition for leave to appeal.

2. Briefly the facts of the case are that the petitioners filed a Civil Suit No. 58/92 and 72/94 before the learned Civil Judge First Class Astore for declaration and possession. The said suit of the petitioners upon hearing was decreed in favour of the petitioners vide judgment dated 27.04.2011. The respondents being aggrieved by and dissatisfied with the judgment of the learned Trial Court filed CFA No. 13/2011 before the learned District Judge Astore, whereby, the said Civil First Appeal of the respondents was dismissed, however, the judgment of the learned Trial Court to the extent of delivery of structure/buildings and compound interest was varied. The respondents being aggrieved again called in question the said judgment before the learned Gilgit-Baltistan Chief Court who upon hearing set aside the concurrent findings of the courts below vide judgment dated 22.08.2013 and the respondents were directed to prepare fresh award to the extent of suit land in favour of the petitioners as per prevailing rates of 1988 of the disputed land, hence, this petition for leave to appeal before this court for setting aside the impugned judgment as well as the judgment dated 17.11.2012 passed by the learned District Judge Astore while granting compensation of the suit land measuring 08 Kanals 01 Marla as per latest market rate alongwith 08% compound interest from the date of possession i.e. 30.05.1983 till satisfaction of decree. This court vide order dated 13.05.2015 granted leave to appeal and the case was finally heard today.

3. The learned counsel for the petitioners submits that the petitioners are the owners of the disputed land which has been acquired by the respondents for construction of the building of Boys Middle School Chila Dass Astore without paying compensation to the petitioners. He also submits that the petitioners being aggrieved filed Civil Suit No. 58/92 and 72/94 before the learned Trial Court Astore who upon hearing decreed the suit in favour of the plaintiffs/petitioners in accordance with law and facts of the case. He further submits that the respondents being aggrieved filed Civil First Appeal before the learned District Judge Astore which upon hearing was dismissed and the judgment of the learned Trial Court to the extent of delivery of structure/buildings and compound interest was allowed. The respondents being aggrieved filed Civil Revision No. 06/2013 which upon hearing was allowed vide impugned judgment dated 22.08.2013. He concludes his arguments that the impugned judgment dated 22.08.2013 passed by the learned Gilgit-Baltistan Chief Court as well as the judgment of the learned District Judge Astore are not sustainable and liable to be set aside being passed against the law and facts of the case and the judgment passed by the learned Trial Court be maintained.

4. On the other hand, the learned Advocate General supports the impugned judgment dated 22.08.2013 passed by the learned Gilgit-Baltistan Chief Court. He contends that the said impugned judgment is required to be maintained being passed in

accordance with law and facts of the case and no interference is warranted into it to meet the ends of justice.

5. We have heard the learned counsels for the respective parties at length, perused the record of the case file and gone through the impugned judgment dated 22.08.2013 passed by the learned Gilgit-Baltistan Chief Court as well as the judgments of the courts below. Admittedly, the petitioners are the owners of the disputed land under Khasra No. 492 measuring 08 Kanals 01 Marla alongwith Cattle Shed and Crops etc situated at Chila Dass District Astore. It is also admitted fact that the said land was acquired on 30.05.1983 by the respondents who have constructed a Government School at the disputed land while giving no compensation to its owners/petitioners.

6. In view of the above discussions the appeal is allowed. Consequent thereto, the impugned judgment dated 22.08.2013 in Civil Revision No. 06/2013 passed by the learned Gilgit-Baltistan Chief Court and the judgment dated 17.11.2012 in CFA. No. 13/2011 passed by the learned District Judge Astore are set aside whereas the judgment dated 27.04.2011 in Civil Suit No. 58/92 and 72/94 passed by the learned Civil Judge Astore is maintained.

7. The Appeal is allowed in above terms.

Chief Judge.

Judge.

Whether the case is fit to be reported or not?