

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

BEFORE:-

1. Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.
2. Mr. Justice Raja Jalal-ud-Din, Judge.
3. Mr. Justice Muzaffar Ali, Judge.

**CIVIL APPEAL NO 06/2015 in
CPLA No.73/2014.**

1. Ghulam Nabi S/o Dadu R/o Sikandarabad Nagar.
2. Haji Bashir S/o Hamza.
3. Haji Muhammad Ali S/o Shafiqo R/o Ratal Hoper Tehsil Nagar No.1 District Hunza/Nagar.

PETITIONERS/DEFENDANTS.

VERSUS

1. Mst. Gul Najaf
2. Mst. Najaf Gul
3. Mst. Jannat Gul D/o late Ibrahim R/o Hoper Ratal Tehsil and District Hunza/Nagar.

RESPONDENT/PLAINTIFF.

1. Rizwan Ali S/o Ramzan Ali R/o Ratal Hoper Tehsil Nagar No.1 District Hunza/Nagar.
2. Mst. Shorban W/o Late Khudayar.
3. Mst. Hajira Khatoon.
4. Mst. Zakia Khatoon.
5. Mst. Iqra
6. Mst. Saleema
7. Muhammad Abbas Daughter and son of late Khudayar through next fiend their real brother of Rizwan Ali Rizwan Ali Son of late khudayar R/o Hoper Tehsil Nagar No.1 District Hunza/Nagar.

PROFORMA RESPONDENTS.

PETITION FOR LEAVE TO APPEAL UNDER ARTICLE 60 OF GILGIT-BALTISTAN EMPOWERMENT AND SELF GOVERNANCE ORDER 2009 AGAINST THE IMPUGNED JUDGMENT/ORDER OF LEARNED SINGLE JUDGE OF CHIEF COURT GILGIT-BALTISTAN DATED 17-3-2014 WHEREIN THE LEARNED SINGLE JUDGE CHIEF COURT DISMISSED REVISION PETITION OF THE PETITIONERS/DEFENDANTS AND IMPUGNED JUDGMENT/DECREE OF DISTRICT JUDGE HUNZA/NAGAR DATED 19-9-2013 WHEREIN THE LEARNED DISTRICT JUDGE HUNZA/NAGAR ACCEPTED THE CIVIL 1ST APPEAL OF RESPONDENTS/PLAINTIFFS AND SET ASIDE THE JUDGMENT/DECREE OF LEARNED TRIAL COURT DATED 31-5-2013.

FOR SETTING ASIDE BOTH THE IMPUGNED JUDGMENT/DECREES OF LEARNED SINGLE JUDGE CHIEF COURT DATED 17-3-2014 AND JUDGMENT/DECREE OF DISTRICT JUDGE OF

**HUNZA/NAGAR DATED 19-9-2013 BY MAINTAINING
THE JUDGMENT/DECREE PASSED BY THE
LEARNED CIVIL JUDGE NAGAR DATED 31-5-2013
TO MEET THE ENDS OF JUSTICE.**

PRESENT:-

1. Malik Shafqat Wali, senior Advocate on behalf of the petitioners.
2. Mr. Johar Ali, Advocate for the respondents.

DATE OF HEARING: - 21-9-2015.

JUDGEMENT.

Dr. Rana Muhammad Shamim, CJ..... The learned Sr. Advocate for the petitioners contended that the petitioners/defendants were the real owners of the suit property and the disputed property is in their possession. He further contended that a Civil Suit No. 10/2009, was filed by the plaintiffs before the Civil Judge 1st class Nagar for declaration and consequential relief against the present petitioners, which upon hearing and framing as many as 10 issues was dismissed vide order dated 31.05.2013, with cost. Feeling aggrieved by and dissatisfied with the order /judgment dated 31.05.2013, passed by the learned Civil Judge 1st Class, Nagar in Civil Suit No. 10/2009, the plaintiffs/respondents filed Civil First Appeal in the Court of learned District Judge Hunza/Nagar. The learned First Appellate Court after hearing accepted the appeal of the respondents/plaintiffs vide its order dated 19.09.2013, in CFA No. 56/2013, holding that the respondents were equally entitled for inheritance in the property left by their late father. The learned Appellate Court further observed that Muhammad Ibrahim died at the age of 90 years and he was dump, duff and also insane. The petitioner namely Ghullam Nabi could not produce any witness with regard to the gift deed executed in the year 1986 in his favour.

The respondents feeling aggrieved by and dissatisfied by the with the order /Judgment dated 19.09.2013, passed by the learned Additional District Judge Hunza/Nagar filed Civil Revision Petition No. 63/2013 before the learned Chief Court, Gilgit-Baltistan with the prayer that the order/judgment dated 19.09.2003, passed by the learned Additional District Judge may be set-aside by accepting their revision Petition and the order/judgment dated 31.05.2013, passed by the learned trial Court may be maintained. Upon hearing, the learned Chief Court, Gilgit-Baltistan dismissed the said revision petition with cost declaring the same as meritless and not maintainable and maintained the impugned Judgment dated 19.09.2013, passed by the learned Additional District Judge Hunza/Nagar.

The learned Counsel for the petitioners further contended that the petitioners feeling aggrieved by and dissatisfied with the order /judgment dated 17.03.2014, passed by the learned Chief Court, Gilgit-Baltistan filed this petition for leave to appeal before this apex Court for setting aside the said impugned judgment as well as the order dated 19.09.2013, in CFA No. 56/2013, passed by the learned Additional District Judge Hunza/Nagar. He further contends that the judgment dated 31.05.2013, passed by the learned Civil Judge 1st class Nagar in Civil Suit No.10/2009 be maintained.

On the other hand, the learned counsel for the respondents submitted that the impugned order dated 17.03.2013, passed by the learned Chief Court, Gilgit-Baltistan, in Civil Revision No. 63/2013, as well as order dated 19.09.2013, in CFA

No. 56/2013, passed by the learned Additional District Judge Hunza/Nagar are well reasoned and well founded and the same are required to be maintained. He further submits that the judgment dated 31.05.2013, passed by the learned Civil Judge 1st class Nagar in Civil Suit No.10/2009 has rightly been reversed by the both the learned Courts below being against the facts and law.

We have heard both the learned counsel for the respective parties at length, perused the record of case file and gone through the impugned judgments of all the three Courts below. In our considered view, the impugned judgment dated, 17.03.2014, passed by the learned Chief Court, Gilgit-Baltistan as well as the judgment dated 19.09.2013, passed by the learned Additional District Judge Hunza/Nagar are well reasoned and well founded as no infirmity and illegality was pointed out by the learned counsel for the Petitioners, the same are therefore, maintained and hold that the learned First Appellate Court rightly reversed the judgment in Civil Suit No. 10/2009, dated 31.05.2013, passed by the learned Civil Judge Nagar. We accordingly converted the petition into an appeal and dismissed by short order dated **21.09.2015** and these were the reasons for it dismissal.

The appeal is dismissed.

Chief Judge.

Judge.

Judge.

Whether the case is Fit to be reported or Not?