

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN
Civil Review Petition No. 03/2010**

Before: **Mr. Justice Muhammad Nawaz Abbasi, Chief Judge.**
Mr. Justice Syed Jaffar Shah, Judge.

Zafar Iqbal MD NATCO Gilgit-Baltistan. Petitioner.

Versus

Muhammad Naseem s/o Abdul Sadiq r/o Basin Khari, Tehsil & District Gilgit.
Respondent.

REVIEW PETITION UNDER ORDER 26 OF SUPREME APPELLATE COURT GILGIT-BALTISTAN RULES 2008 READ WITH ARTICLE 65 OF GILGIT-BALTISTAN (EMPOWERMENT & SELF GOVERNANCE ORDER) 2009, UNDER SECTION 114 CPC AND ORDER 47 RULE 1 CPC WHEREBY THE LEARNED DIVISION BENCH OF THIS AUGUST COURT IN CROSS APPEAL FILED BY RESPONDENT HAS MAINTAINED THE JUDGMENT THE JUDGMENT/DECREE DATED 18-12-2007, PASSED BY THE LEARNED CIVIL JUDGE 1ST CLASS GILGIT, WHILE THE HONORABLE DIVISION BENCH HAS DISMISSED THE APPEAL FILED BY PETITIONER AND DISPOSED OF BOTH THE CROSS APPEALS BY A SINGLE ORDER DATED 08-06-2010.

Present:- Mr. Javed Iqbal Advocate for the petitioner.

Date of hearing:- 04-10-2010

ORDER

Mr. Justice Muhammad Nawaz Abbasi, CJ. The petitioner seeks review of the Judgment dated 08-06-2010 rendered in a civil appeal arising out of a civil suit, in which decree passed by the Court of first instance was reversed by the first Appellate Court vide judgment dated 14-04-2008 and judgment of appellate Court was maintained by Chief Court in second appeal vide Judgment dated 28-09-2009. The learned Counsel for the petitioner contended that this Court without taking into consideration the material evidence available on record, restored the decree of trial Court, which was not otherwise sustainable in law. He submitted that letter dated 04-01-2008, issued by the Controller of Examination University of Peshawar by virtue of which the letter dated 24-8-2004, of the University of Peshawar declaring the B.A. degree of respondent as genuine on the basis of which decree was passed was cancelled and this important fact has been ignored by the Court, while deciding the main appeal. the learned counsel submitted that letter dated 04-01-2008 was produced in appeal before the Chief Court which was treated as part of the record and if the same would have been taken into consideration, the result of the appeal would definitely be different.

The contention has no substances. The letter dated 04-1-2008, was not brought in evidence from official custody in proper manner at any stage rather for the first time an attempt was made by the petitioner to make it part of record of

appeal before the Chief Court, therefore the same could not be read in evidence and also there was no mention of it in the judgment of the Chief Court. The law is that an official document which is not produced at proper stage in evidence from official custody in proper manner cannot be considered as part of evidence and Judicial record. The official letter under discussion was produced by the petitioner in appeal before the Chief Court and without examination of the controller of examination and providing opportunity of cross examination of respondent, it was not possible for the Court to give effect to the letter in question which had otherwise no evidently value.

Be that as it may, the petitioner for the first time relying upon the letter in question in this review petition has sought review of the Judgment, whereas the law is that a new ground cannot be allowed to be taken in review petition on the basis of fact which was not brought before the Court at proper stage. The learned counsel has not argued and other point. This review petition being without any substance is accordingly dismissed.

Chief Judge.

Judge.