

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

Before:-

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

**Civil Appeal No. 67/2017
In
CPLA No. 168/2016.**

Saeed Khan son of Muhammad Khan R/O Thingidas Punial,
District Ghizer

Petitioner.

Versus

Maqsad Khan & others

Respondents.

PRESENT:-

1. Mr. Muhammad Issa senior Advocate alongwith Mr. Johar Ali Khan Advocate-on-Record for the petitioner.
2. Mr. Ali Nazar Khan Advocate-on-Record for respondent No. 02.
3. Maqsad Khan respondent No. 01 present in person.

DATE OF HEARING: - 29.09.2017.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ..... This petition for leave to appeal has arisen out of the impugned judgment dated 21.06.2013 passed by the learned Chief Court whereby the Civil Revision No. 17/2011 filed by respondents was dismissed with the slight modification by directing the respondent/plaintiff to pay an extra amount of Rs. 100,000/- as compensation to the respondent No. 02, hence, this petition for leave to appeal. This court vide order dated 03.03.2017 issued notices to the respondents and the case is heard today.

2. Briefly, the facts of the case are that the respondent No. 02 purchased a piece of land from the petitioner for Rs. 200, 000/-

alongwith 45 numbers standing trees. This sale was pre-empted through Civil Suit No. 07/2004 and 69/2006 by the petitioner/respondent No. 01 before the court of learned Civil Judge Punial Ishkoman which upon hearing was dismissed vide judgment/decrees dated 26.02.2009. The petitioner/respondent No. 01 being aggrieved filed Civil First Appeal Nos. 04/2008 and 70/2009 before the learned District Judge Gilgit which upon hearing was accepted vide judgment dated 18.04.2011 by setting aside the judgment of the learned Trial Court. The judgment of First Appellate Court was upheld by the learned Chief Court with the slight modification by directing the petitioner/respondent/plaintiff to pay an extra amount of Rs. 100,000/- to the respondent No. 02 as compensation for the suffering and monetary loss caused by him.

3. The learned counsel for the petitioner submits that the learned Chief Court has imposed an extra amount of Rs. 100,000/- on the petitioner instead of imposing fine on the respondents who took adjournments on various dates while using delaying tactics. He also submits that the learned Chief Court dismissed the Revision Petition of the respondent No. 02 by holding it meritless. The learned Chief Court, however, arbitrarily and illegally imposed the compensation on the petitioner which is not sustainable. He prays that the impugned judgment passed by the learned Chief Court may graciously be set aside to the extent of imposing cost of Rs. 100,000/-.

4. On the other hand, Mr. Ali Nazar Ali Advocate-on-Record appearing on behalf of the respondents supports the impugned judgment. He contends that the learned Chief Court has rightly

dismissed the Civil Revision of the petitioner by imposing the cost upon the petitioner payable to the respondent as compensation for the losses caused to him during the proceedings of the suit in question. He prays that the impugned judgment may pleased be maintained.

5. We have heard the learned counsels for the respective parties at length, perused the material on record and gone through the impugned judgment. In our considered view, the impugned judgment passed by the learned Chief Court is well reasoned and well founded and no interference is warranted into it by this court.

6. In view of the above discussions, we convert this petition into an appeal and the same is dismissed. Consequently, the impugned judgment dated 21.06.2013 passed by the learned Chief Court is affirmed.

7. The appeal is dismissed in above terms.

Chief Judge.

Judge.