HIGH COURT OF AZAD JAMMU & KASHMIR

Civil Appeal No.34/2015.
Date of institution 25.03.2015.
Date of decision 19.04.2023.

1. Sheikh Bibi widow;
2. Zobeena Kousar d/o Mohammad Aziz alias Abdul Aziz Caste Kashmiri r/o Mozia & Tehisl Khuiratta District Kotli.

Appellants

VERSUS

1. Shahid Iqbal s/o Mohammad Ismail Caste Kashmiri;
2. Mohammad Amjad Minhas s/o Mohammad Iqbal Minhas r/o Mozia & Tehsil Khuiratta District Kotli.

Respondents

CIVIL APPEAL

Before:- Justice Syed Shahid Bahar, J.

PRESENT:
Raja Mohammad Saghir Khan, Advocate for the Appellants.
Riaz Naveed Butt, Advocate for the Respondents.

JUDGMENT:

The captioned appeal has been directed against the judgment and decree passed by the learned District Judge Kotli dated 30.12.2014, whereby, the judgment and decree passed by the learned Civil Judge Court No.1 Kotli dated 29.11.2013 was upheld.

2. The long and the short of the appeal in hand is that plaintiffs/appellants, herein, filed a suit for declaration

against the defendants/respondents before the trial Court, Civil Judge Court No.1 Kotli on the ground that Mohammad Aziz, the predecessor in interest of plaintiffs was in possession of the land comprising khewat No.2 khata No.241/236 measuring 11 kanal 15 marla situated at Mozia Khuiratta, whereas, in land comprising khewat No.229/224 khata No.2188/2055 survey No.1428 min measuring 4 kanal 4 marla, Mohammad Aziz, was a co-sharer and was also in possession to the extent of his share. It has been averred that Abdul Aziz had only male child from his progeny who died during his father's lifetime and by dint of death of his son namely Mohammad Sadiq, Abdul Aziz became mentally upset and the pangs that he had to go through and endure after his son's demise; that too, in bloom of youth could not be described in words, resultantly he went berserk as he could not make the difference between right and wrong. It has been alleged that Mohammad Aziz had a car which was run by defendant No.1 and due to psychosis, Abdul Aziz often used to visit numerous shrines in Azad Kashmir and Pakistan, however, defendant No.1 was a greedy and selfish man and when he was asked to go to the shrines he refused and always demanded money for the purpose of accompanying him.

It has further been alleged that on 21.01.2010, when defendant No.1 took him to Kotli through undue influence, by making his close relatives as witnesses and by practicing fraud and forgery, he got transferred the land comprising khewat No.2 khata No.241/236 survey No.1443,1451,1452 land measuring 11 kanal 15 marla and khewat No.229/224 survey No.1428 min land measuring 4 kanal 4 marla to his name through a gift deed. It has been averred that the said gift deed being fake, fictitious, preposterous and occult is against the right of plaintiffs which is liable to be set-aside as the deceased could not deprive the plaintiffs/legal heirs by gifting out the entire property to the donee who does not come within the ambit of "legal heirs" as well.

3. On filing of the suit, defendants were summoned by the trial Court who filed written statement in the manner that plaintiffs had no cause of action as the suit was filed against the law and facts. It has been stated that Abdul Aziz was the allottee of the suit land who in his life with his free consent and volition and without any coercion or compulsion got attested the gift deed in favour of defendant No.1 on 21.01.2010. It has been stated that Mohammad Aziz was a sensible person who dwelt with his brother Mohammad Ismail and one year prior to his death,

he purchased a Car which was used by him for his conveyance. Lastly, it has been stated that the suit may be dismissed with costs. The learned trial Court in light of pleadings of the parties framed 4 issues and directed the parties to lead their evidence. On completion of the trial, *the suit was dismissed for want of proof vide impugned judgment and decree dated 29.11.2013.* Feeling aggrieved from the said judgment and decree, plaintiffs/appellants, preferred an appeal before the learned District Judge Kotli, which also met the same fate vide impugned judgment and decree dated 30.12.2014, hence, this appeal for setting aside the impugned judgments and decrees of both the Courts below.

4. Raja Mohammad Sagheer Khan, learned advocate representing appellants vehemently argued that while accepting the appeal, the impugned judgments and decrees passed by the Courts below may be set aside. Learned counsel virtually reiterated the averments raised in the memo of appeal and submitted that while passing the impugned judgments and decrees, the Courts below misread and non-read the evidence of the parties. Learned counsel maintained that predecessor in interest of plaintiffs/appellants went berserk due to death of his only

progeny i.e. young son and defendant while taking benefit of that incident got transferred the whole land to his name, whereas, in presence of legal heirs, how the whole shares can be transferred through a gift deed, so, the gift deed which has been obtained by practicing fraud is illegal and inoperative against the rights of appellants may be set-aside. Finally, he prayed for setting aside the judgments and decrees of both the Courts below. Learned counsel in support of his version referred the following authorities:- **[PLJ 2017 SC (AJ&K) 137][2005 SCMR 134][2003 CLC 485].**

5. Conversely, Riaz Naveed Butt, learned advocate representing respondents submitted that appellants have failed to prove their case by producing cogent and reliable confidence inspiring evidence oral as well as documentary and both the Courts below have passed the impugned judgments and decrees purely in accordance with law in light of available record and evidence. Concurrent finding of facts could not be reversed merely on the assumption of appellants without pointing out specifically which evidence was misread or non-read, he added. Learned counsel defended the impugned judgments and decrees on all counts and prayed for dismissal of the appeal with exemplary costs. Learned counsel in support of his version

referred **[PLD 1960 (W.P) Karachi 745][1994 SCMR 1870][2021 YLR 1155][PLD 1985 AJ&K 1][2016 YLR 2087][2006 SCR 11][PLD 1994 SC 650].**

6. I have heard the learned counsel for the parties and brooded over the record of the case.

7. The claim of the appellants is that they are the legal heirs of the deceased Mohammad Aziz and in presence of legal heirs how can he transfer the whole share to defendant No.1 by depriving them? As per stance of the appellants, the deceased went berserk due to demise of his only progeny i.e. young son and respondent No.1 while taking benefit of that incident got transferred his whole land through a gift deed and the learned Courts below did not admit this claim of the appellants and dismissed the suit as well as appeal filed by them by keeping aside the evidence produced on their behalf. The appellants also maintained that both the Courts below have not taken into consideration the evidence produced on behalf of the appellants and have misread and non-read the same. I have gone through the record as well as evidence produced on behalf of the parties. Abdul Karim s/o Said Mohammad, a witness produced on behalf of the plaintiffs deposed that defendant No.1 got executed the gift deed clandestinely

and the same was not in the knowledge of the plaintiffs. He further deposed that deceased Mohammad Aziz mostly used to spend his time with defendant No.1 who took him to the shrines. Similarly, Mohammad Saghir s/o Mohammad Zaman also deposed that Abdul Aziz had only a son who died in the age of 22/23 years and due to demise of his son, Abdul Aziz became insane and senseless and often used to go to the shrines and after the death of donor, defendant No.1 stated that he had got the gift deed of the suit land. He further stated that plaintiffs had no knowledge of the gift deed and when they got the knowledge about the gift deed, they adopted the due course to challenge the same. Defendant No.1, ousted the plaintiffs from the house and thereafter they filed the suit for cancellation of the gift deed which has been obtained fraudulently while taking benefit of his insanity. Zobina Kousar d/o Abdul Aziz also made statement akin to the statements of aforesaid witnesses and she deposed that due to the death of his son, Abdul Aziz became mentally upset and for going to the shrines defendant No.1 used to take money from her father. In rebuttal Abdul Khaliq witness on behalf of defendants deposed that the donor asked him that he was going for execution of the gift deed pertaining to his land in

favour of defendant No.1 as her daughter and wife are residing separately and he lived with his nephew. Similarly, Shahid Iqbal (donee) deposed that donor Mohammad Aziz, told him (donee) that he (donor) would give/donate whole land to him (donee) as he (donee) not only served him (donor) in his life but he (donee) was also the real nephew of the donor, so, the whole land was transferred to the name of defendant No.1 through a gift deed.

8. The gift deed dated 21.01.2010, has been made by the donor Mohammad Aziz in favour of donee /respondent No.1, herein, to the extent of his whole share by excluding his legal heirs i.e. wife and daughter without showing any reasons, which in my opinion, is at odds with the policy of Muslim Law. It is astonishing that in presence of his legal heirs particularly his wife and daughter, how the donor had gifted his entire land to his nephew and no explanation in this regard has been shown by the donee. Even otherwise, the marginal witnesses of the gift deed were two in numbers but only one of them who was the close relative of the donee was produced into the witness box, whereas, neither the another marginal witness nor the scribe of the document had been produced by the donee, defendant No.1. therefore, the said document seems to be

suspicious and doubtful and it was enjoined upon the defendant to prove validity of the gift deed as he was its beneficiary. It also makes it doubtful that defendant No.1 remained with the donor for a long time and he used to take him to the shrines and he also made his treatment and being driver and nephew, he was very close to him and by taking benefit of his proclivity and propensity with him, the donee when felt that he (donor) had become mentally distressed, he got written and executed the whole share of the donor to his name, which shows clear-cut malafide of the donee. A person who becomes insane due to demise of his only progeny i.e. son or for any other reasons he suffered from mental disorder, thus, how an instrument can be taken as free from doubts, that too at the cost of legal heirs? The legal heirs cannot be deprived from the inheritance entirely, so, the gift deed pertaining to transfer of the whole land is not valid. So, in my considered view, the trial Court as well as first appellate Court have not appreciated the evidence produced on behalf of the appellants pertaining to the validity of the gift deed in its true perspective and have misread and non-read the same. Exh. PA, a gift deed dated 21.01.2010, has been brought on record, a perusal of which shows that neither its marginal

witnesses nor its writer had been produced into the witness box, however, only one witness in support of supra document has been produced who got recorded his statement.

9. Unsoundness of mind of the deceased/donor costs doubt upon genuineness of the gift deed, stance of love, affection and seriousness on part of the donee has not been proved. The word "proved" has been defined in Qanun-e-Shahadat Order, 1984 i.e. Article 2 clause 4 as infra:-

> **2. Interpretation:**
>
> **(1)…….**
> **(2)…….**
> **(3)…….**
> **(4) Proved;** "A fact is said to be proved, when after considering the matters before it, the Court either believes it to exist, or considers its non-existence so probable that a prudent man ought under the circumstances of the particular case to act upon the supposition that it exists."

Although proof does not mean rigid mathematical demonstration qua fact projected and narrated but requisite yardstick and parameter in this regard is that anything which immediately convinces the mind regarding truth or falsehood of a fact of proposition. The proof of a fact does not depend upon the accuracy of statements, but

upon the probability of its having existed [1]. Definition of proof speaks of probability. The standard of proof evidently is preponderance of probabilities as inference of preponderance of probabilities can be drawn not only from the materials on record but also by reference to the circumstances upon which the defendant relies [2].

10. Though it is not necessary for a donor to furnish the reasons for making a gift in the ordinary course of human conduct but in the wake of frivolous gift generally made to deprive females in the family from the course of inheritance prevalent at present times as depriving women of their share in inheritance through fraud and other practices has become a norm, this very act is at odds with Allah's order and is abominable. The Courts are not divested of the powers to scrutinize the reasons and justification for a gift so that no injustice is done to the legal heirs and no course of inheritance is bypassed.[3]. No evidence on record to show as to why donor who had his daughter and wife (legal heirs) opted to gift out entire landed property in favour of donee, such fact casts doubt on genuineness of transaction of alleged gift.[4]

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[1]. AIR 1954 Ori 33. ~ Anam Swain V. State
[2]. Messers Naryana Memon Vs. State of Kerala- AIR 2006 SC 3366.
[3]. 2002 SCMR 1938. ~ Barkat Ali V. Muhammad Ismail.
[4] . 2005 CLC 1714.~ Khurshid Bibi V. Ramzan.

11. Consequent of execution of gift deed, legal heirs, wife and daughters of the donor were deprived. It has been laid down in **AIR 1929 PC 149 @ 151** that;

> "The intention of the donor is to be ascertained by reading the terms of the deed as a whole, and giving to them the natural meaning of the language"

No reasons whatsoever to that extent are found in the gift deed as to what were the reasons for which the donor had deprived his wife, daughter and other legal heirs (to whom the property was liable to be devolved under Islamic Law). **In our estimation exhibition of the gift deed after death of the donor itself is cloud upon transparency and fairness of the said transaction/execution, that too donee is nephew of the donor, entire burden in this regard was upon shoulders of the donee to establish that why property was gifted out in his favour by meting out preferential treatment over the legal heirs.**

12. It revealed from pleaded stance and evidence available on record that the donee was infact in a position to influence the donor, and this inference turned stronger by concealment and suppression of the gift deed till death of the donor. Justice B.Z Kaikaus ordaining on behalf of the Court while dealing with the identical proposition held in

the case titled **"Nur Mohammad Vs. Mst Karim Bibi" [PLD 1959 (W.P) Lahore 932 (E)** as under:-

> "It was for the donee to show that the donor acted with a full understanding of the implications his act and that the gift was not the result of influence used".

''مجموعہ قوانین اسلام مولفہ ڈاکٹر تنزیل الرحمان کی دفعہ 163 میں ہبہ کی یوں تعریف کی گئی ہے۔

163۔ **ہبہ**۔ایک شخص کا دوسرے شخص کی طرف کسی جائیداد منقولہ یا غیر منقولہ کا فوری اور بلا معاوضہ منتقل کرنا اور دوسرے شخص کا خود یا اسکی طرف سے کسی اور صاحب مجاز کا اس شے موہوبہ کا قبول کر لینا ہبہ کہلاتا ہے۔مگر شرط یہ ہے کہ واہب (ہبہ کرنے والا) موہوبہ (ہبہ کی ہوئی) جائیداد کے حق ملکیت اور اس پر اختیارات کے کلیتاً دستبردار ہو جائے۔''

Likewise under Section 172 of the above Code (ہبہ تفضیلی) has been defined & elaborated as under:-

ہبہ تفضیلی

1. واہب اس امر کا مجاز نہ ہوگا کہ اپنی کل یا تہائی سے زیادہ جائیداد واملاک بحالت صحت کسی غیر وارث یا اپنی کسی مخصوص اولاد کے حق میں تفضیلی عمل میں مصالح شرعی پر مبنی نہ ہو۔

2۔ ہبہ تفضیلی کسی مصالحت شرعی پر مبنی نہ ہونے کی صورت میں قابل ابطال Voidable ہوگا اور اولاد محروم بمتابعت احکام مندرجہ دفعہ 179 اس ہبہ کو بذریعہ عدالت ابطال قرار دلائے جانے کی مجاز ہوگی۔

3۔

4۔ واہب کے فوت ہو جانے کی صورت میں شے موہوبہ بمتابعت احکام مندرجہ دفعہ 179 متوفی کے ترکہ میں شمار ہوگی اور بموجب قانون وراثت عملدرآمد کی جائے گا۔

No clear cut textual command pertaining to such like gift (ہبہ تفضیلی) preferential gift is found in the Holy Quran, but wisdom in this regard can be gathered from overall commandments of the Holy Quran and sayings of Holy Prophet PBUH (صلی اللہ علیہ وسلم)

''وات ذا القربی حقہ والمسکین وابن السبیل ولا تبذر تبذیرا سورۃ اسرا آیت 26''

In verse number 62 of Surae Baqarah a roadmap has been indicated as how to spend and utilize property;

''واتی المال علی حبہ ذوی القربی والیتامی والمساکین وابن السبیل والسائلین وفی الرقاب''

In Islamic point of view, the above order of priority given by Almighty Allah is yardstick and always should be kept in mind while adjudicating such like disputes. Thus, at the eve of gift, preference is attached to the kith and kin (legal heirs). In **2004 SCR 541,** the Hon'ble Supreme Court of Azad Jammu & Kashmir regarding the same matter held as under:-

> "That the burden of basic issue of execution of the document should have been placed on the shoulders of the defendant/appellant and Proforma-respondents who had claimed the valid execution but this fact alone is not sufficient to remand the case when both the parties had adduced evidence, the burden of proof placed on one or the other party looses its importance. In the present case a perusal of the document shows that the respondents have successfully proved their case through evidence. Both the Courts, the learned District Judge and the learned Judge in the High Court have concurrently given findings against the appellant and Proforma-respondents by observing that the predecessor of the respondents did not register a gift-deed in favour of the appellant and proforma-respondents and a fraud was committed by registering the aforesaid document."

In Transfer of Property Act 1882, the term “gift” has been defined in Section 122 which is reproduced as infra:-

> **122. Gift;** gift is the transfer of certain moveable or immoveable property made voluntarily and without consideration by one person called the donor, to another called the donee, and accepted by or on behalf of donee.”

It is reflecting from evidence that shops upon the suit land were constructed by the (late) Abdul Aziz, donor. Mohammad Saghir witness deposed in his statement some important aspects like;

”عبدالعزیز خودکاروباری آدمی تھا جوقصاب کا کام کرتا تھا، مرنے سے پہلے دو ماہ قبل تک عبدالعزیز کام کرتے رہے۔گاڑی عبدالعزیز نے خریدی تھی۔عبدالعزیز اپنے نفع ونقصان کو سمجھتا تھا۔عبدالعزیز مرنے سے دوتین دن پہلے بیمار ہوا تھا اس سے پہلے چلتا پھرتا تھا۔ جب عبدالعزیز فوت ہوا تو مدعا علیہ نمبرا (اسکی بیوی) عبدالعزیز کے گھر موجود تھی۔مکان پختہ عبدالعزیز نے خود تعمیر کرایا تھا۔عبدالعزیز کے تعلقات بیوی سے اچھے تھے کبھی لڑائی جھگڑا نہ ہوا۔عبدالعزیز کا سات دکانوں کا ایک مال تعمیر ہے یہ دوکانات عبدالعزیز نے خود تعمیر کی ہیں۔“

One of the plaintiffs Zabina Kousar daughter of Abdul Aziz (late) donor in her statement reiterated and endorsed the pleaded stance taken by them in plaint. Relevant parts of evidence are recorded as under:-

”ہم دو بہن بھائی تھے، مظہر کے بھائی کا نام محمد صادق تھا اس کی اسوقت عمر 23,22 سال تھی۔22 سال پہلے فوت ہو گیا تھا اس کی وفات پر والد کو ذہنی صدمہ پہنچا تھا۔درباروں پر جانا شروع کیا، مدعا علیہ نمبر 1 (Donee) کے ساتھ درباروں پر جاتے تھے۔ خرچہ والدم سے لیتے تھے۔اور خرچہ نہ دے تو نہ جاتا تھا۔والدم بیمار ہوئے تو ہم انکو ڈاکٹر مہربان کے پاس لے گئے۔مظہرہ اور پھوپھی ہمراہ ہسپتال گئے۔مدعا علیہ (Donee) نے دھوکہ سے ہبہ کروایا ہے۔“

Entire evidence brought by the appellants is in line with each other while on other side, the donee has failed to

justify the execution of gift deed. One of witnesses Abdul Khaliq s/o Haji Faiz deposed that donor was not mentally a fit person. It is useful to reproduce some relevant lines from the statement of said witness;

''بیٹے کے صدمے سے واہب نیم دیوانہ سا ہو گیا تھا۔ازخود کہا کہ ظاہر ہے صدمے سے دیوانہ ہوا ہوگا۔''

It also revealed from the statement of donee that he is not real nephew of the donor (late), relevant portion of the statement of Shahid Iqbal respondent is hereby reproduced;

''بسوال جرح بیان کیا کہ والدم اور عبدالعزیز متوفی / واہب حقیقی بھائی نہ تھے بلکہ سوتیلے بھائی تھے۔''

In his statement he admitted that:-

''متوفی عبدالعزیز قصاب کا کام کرتے تھے اور بیوپار بھی کرتا تھا، رقم وغیرہ اپنے پاس بھی رکھتا تھا۔ یہ درست ہے کہ متوفی نے ایک کار مظہر کو خرید کر دی تھی مظہر ہی ڈرائیو کرتا تھا۔ وہ کار آج بھی مظہر کے زیر استعمال ہے۔دکانات واہب عبدالعزیز نے تعمیر کروائیں تھیں۔ یہ درست ہے کہ واہب کی وفات کے بعد دکانات کے کرایہ کے معاملات مظہر ہی کرتا ہے۔مظہر نے ہبہ لیتے وقت واہب کو یہ بات نہ کہی تھی کہ آپ کی بیٹی اور بیوی ہے انکو ہبہ دیں اور زمین سے انہیں محروم نہ کریں۔''

Crux of the pleaded stance and evidence pro and contra is that late Abdul Aziz was constantly in the state of trauma after death of his only progeny i.e. real son, hence, element of undue influence, duress, and fraud cannot be ruled out. Irfan Riaz, one of the marginal witnesses was not produced, neither scribe of the gift deed nor Talib Hussain, petition

writer was also produced in order to prove the genuineness of the gift deed.

12. After juxtapose analysis of both the impugned judgments and decrees in light of the evidence available on record, it emerges from the same that the basic dispute is that whether in case of gift resulting into disinheriting and depriving of the legal heirs, mere registration of same or simpliciter execution is suffice to let it to remain in field, without cogently proving the gift by donee (beneficiary) with all its components? At the outset, Hon'ble Supreme Court of Pakistan in the case of "**Mohammad Ashraf reported as [1989 SCMR 1396]** set-aside a transaction of gift through which the donor gifted out the entire land to a nephew depriving legal heirs.

13. Definitely the appellants would have inherited the property in accordance with their respective shares after the death of their predecessor i.e. donor. Belated exhibition of gift deed post donor's death, that too when it is established that the property remained in his power and possession till his last gasp, thus, factum of gift deed and delivery of possession is not proved by the beneficiary by adducing concrete evidence in this regard. The gift deed (impugned herein) is also hit by Section 25 of the Contract

Act, 1872 as well as it does not qualify to stand in the exception clause i.e. 25 (1) of the Contract Act on this count that respondent, donee and beneficiary of the gift deed has failed to prove the narrative portrayed by him. For the validity of a document under Section 25 of the Contract Act, free will and consent is sine qua non, the documents must be in result of voluntary offer and acceptance. Mere fact that donor had put his signature on the gift deed is not suffice in this connection, that too, belated exhibition of the gift deed is also a question mark upon its validity.

14. Under Islamic Law, concept of adoption is not recognized in a way to enlist and include adopted one as legal heirs qua allowing to get share from the property as inherited right. Hon'ble Justice Ghulam Mustafa Mughal (as then he was) while speaking on behalf of the Hon'ble Supreme Court in a case titled "Mariam Bibi Vs. Hakim Ali reported as **PLJ 2017 SC (AJ&K) 140** held as under:-

> "In the present case the other legal heirs/daughters have been excluded by execution of the gift deed without showing any reason, which is against the policy of Muslim Law as has been held in Sardar Ahmed Khan Vs. Mst. Zamroot Jan [PLD 1950 Peshawar 45] and such a gift deed cannot be approved".

Same view has been taken by the Apex Court in another case titled “Raj Mohammad Vs. Zenat Begum reported as **2004 SCR 541.** The respondent/donee has failed to produce the scribe of the gift deed, in this connection the ready reference is the case titled “Mohammad Ashraf Vs. Bahadur Khan **[1989 SCMR 1390]** wherein, it was held:-

> “The donee did not produce the scribe who has written the gift deed, thus, under the circumstances we are of the view that said gift deed is not a valid one but fictitious and obtained by fraudulent manner.”

15. Factum of genuineness of gift deed in such like matters where legal heirs particularly children have been deprived was to be established by the donee/ beneficiary of the deed by brining cogent evidence and onus was rested on his shoulders to prove that he had received a valid gift of land from its owner. But the respondent (beneficiary) has failed to prove his stance through clear cut cogent evidence, scribe/one of the marginal witness could not come in the witness box. Thus, suit of the legal heirs must have to succeed in view of doctrine of preponderance of probabilities of evidence, plaintiffs/appellants are entitled to take their share in land in question in accordance with Muslim Law of Inheritance.

My above view qua controversy in hand finds support from the following case laws as well.

1. **1994 MLD 467 (Lah) titled Rashid Ahmed Vs. Sardar Bibi;**
2. **2003 SCMR 1829 titled Ghulam Hiader Vs. Ghullam Rasool;**
3. **PLD 1950 Pesh 45 titled "Sardar Ahmed Khan Vs. Mst. Zamroot Jan;**
4. **2002 SCMR 1938 titled Barkat Ali Vs. Mohammad Ismail;**
5. **1989 SCMR 1930 titled Mohammad Ashraf Vs. Bahadur Khan.**

16. The crux of above discussion is that while accepting the appeal, the judgments and decrees of the Courts below dated 29.11.2013 and 30.12.2014 are hereby set-aside. The gift deed dated 21.01.2010, is illegal and inoperative upon the rights of plaintiffs/appellants and the same is also hereby annulled.

(Appeal stands accepted)

Muzaffarabad.
19.04.2023 (Saleem) JUDGE

Note:- Judgment is written and duly signed. The office is directed to transmit the instant file in a sealed envelope to circuit bench Kotli and Deputy Registrar of the said circuit is also directed to intimate the parties or their counsel accordingly.

JUDGE

(APPROVED FOR REPORTING)

JUDGE