## IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN, GILGIT.
### (Appellate Jurisdiction)
### CPLA. No. 83/2014

**Before:-**
   Mr. Justice Rana Muhammad Arshad Khan, Chief Judge.
   Mr. Justice Raja Jalal-ud-Din, Judge.
   Mr. Justice Muzaffar Ali, Judge.

1. Ghazi Johar 2. Sifadullah 3. Ibadullah 4. Aqeedullah sons of late Serwar Khan 5. Mst. Tai Nigar 6. Mst Zar Kuli 7. Mst. Zaib un Nisa daughters of late Serwar Khan r/o village Bubur Tehsil Punial District Ghizer.                                                    **Petitioners**.

**Versus**

Malik Ashdar s/o Abdullah r/o Bubur Tehsil Punial District Ghizer.
                                                                **Respondent**.

**PETITION FOR LEAVE TO APPEAL UNDER ARTICLE 60 OF GILGIT-BALTISTAN (EMPOWERMENT & SELF GOVERNANCE) ORDER 2009 READ WITH RELEVANT PROVISIONS OF GILGIT-BLATISTAN SUPREME APPELLATE COURT RULES AGAINST THE IMPUGNED ORDER DATED 08-08-2014 PASSED BY SINGLE BENCH OF LEARNED CHIEF COURT GILGIT-BALTISTAN IN CIVIL REVISION NO. 74/2013, WHEREBY THE LEARNED CHIEF COURT HAS DIRECTED DEPUTY COMMISSIONER GHIZER VACATE THE SUIT SHARP AND SEAL THE SAME IN THE <u>NAME OF CHIEF COURT.</u>**

**FOR SETTING ASIDE THE IMPUGNED ORDER HOLDING THE SAME ILLEGAL WITHOUT JURISDICTION, BIASED AND HASTY MANNER CONVERTING THIS PETITION FOR LEAVE TO APPEAL AN ACCEPTING THE APPEAL FOR THE <u>ENDS OF JUSTICE, LAW AND EQUITY</u>.**

<u>**PRESENT:-**</u>

   1. Mr. Johar Ali Advocate on behalf of petitioners.
   2. Mr. Ali Nazar Khan AoR.

<u>**DATE OF HEARING:-22-09-2014.**</u>

<u>**JUDGMENT**</u>.

   **Muzaffar Ali, J**. This petition for leave to appeal has been submitted before this court against the order dated 08-08-2014, passed by the learned single Judge Chief Court Gilgit-Baltistan, whereby the learned single Judge Gilgit-Baltistan Chief Court has directed the Deputy Commissioner concerned to get vacate the suit shop and also to seal the same shop in the name of Gilgit-Baltistan Chief Court.

The brief facts of the case are as such that the present respondent filed a suit for specific performance of a contract before the learned Civil Judge Punial/Ishkoman and succeeded to get a decree against the present petitioners. The present petitioners filed first appeal before the learned District Judge concerned against the decree dated 30-04-2012, passed by the learned Civil Judge Punial/Ishkoman, but, the learned District Judge dismissed the first appeal and maintained the impugned decree.

The present petitioners filed civil revision petition No. 74/2013 against both the concurrent findings before the learned Chief Court Gilgit-Baltistan. The same is subjudice before the learned Chief Court, but during pendency of the same the impugned interim order dated 08-08-2014, is passed against the present petitioners, which has been assailed through this petition for leave to appeal, before this Court.

We, heard the learned counsel for the petitioners and asked him to explain, how an interlocutory order passed by the learned Chief Court Gilgit-Baltistan can be challenged before this Court as the Supreme Appellate Court rules have no provision in this regard and the said Rules only provide a leave to appeal against the final orders/Judgments/Decrees of the Chief Court Gilgit-Baltistan. In response to this observation, the learned counsel for the petitioners urged that the impugned order apparently seems to be without jurisdiction and nullity in the eyes of law as such this Court has powers to set aside the same without going into the procedural hurdles. This court, being the apex forum in the area have ample powers to ignore the procedural hurdle in the way of substantial justice.

We are not convinced by the arguments advanced by the learned counsel for the petitioners. The impugned order is not an order without jurisdiction and nullity. The learned single Judge has exercised his discretion properly, as such, we are of the opinion that the procedural hurdles cannot be ignored. The rules of this Court do not allow the petition for leave to appeal against any interim order passed by the learned Chief Court Gilgit-Baltistan.

Hence, this petition for leave to appeal is refused and the case in hand, is accordingly dismissed.

**Chief Judge**

**Judge**

**Judge**