

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN AT
SKARDU REGISTRY.**

Before:

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

CPLA. No. 13/2015.

1. Muhammad son of Haji Muhammad Taqi & 02 others
Petitioners.

Versus

1. Government of Pakistan through Secretary Defence, Pak.
Secretariate, Rawalpindi Cantt & 05 others. **Respondents.**

PRESENT:-

1. Mr. Muhammad Iqbal Advocate alongwith for the
petitioners.

DATE OF HEARING:- 14.11.2016.

DATE OF DETAIL JUDGMENT:- 03.01.2017

ORDER.

This petition has arisen out of the impugned judgment dated 08.08.2016 in Civil Revision No. 18/2015 passed by the learned Chief Court whereby the Civil Revision of the petitioners was dismissed by maintaining the judgment dated 04.09.2015 passed by the learned District Judge Skardu as well as the order dated 20.09.2014 passed by the learned Civil Judge Skardu.

2. Briefly the facts of the case are that the petitioner/plaintiff instituted a Declaratory Suit as well as Cancellation of Mutation Deed attested on 29.07.2006 against respondents/defendants with the plea that the suit property under Khasra No. 2504/2304/574 measuring 20 Kanal is the shamilat-e-deh and in possession of the petitioners since ancient time. The interference on behalf of the respondent No. 02 & 04 is illegal on

the pretext of so called allotment in favour of respondent No. 05. The petitioners contended for restraining the respondent from interference over the disputed property. The said Civil Suit was dismissed by the learned Trial Court vide order dated 15.08.2007 which was upheld up to the learned Gilgit-Baltistan Chief Court, hence, this petition for leave to appeal.

3. The learned counsel for the petitioner submits that the petitioner filed an application under Order 39 Rules 1,2 CPC with the plaint for the grant of temporary injunction before the learned Civil Judge Skardu which upon hearing was dismissed being meritless vide order dated 15.08.2007 in Civil Suit No. 111/2006. He also submits that being aggrieved the petitioner again filed Civil Suit No. 111/2006, 138/2009 before learned senior Civil Judge Skardu which was upheld by maintaining the order of the learned Civil Judge Skardu vide order/decreed dated 20.09.2014. He further submits that the petitioner being aggrieved filed Civil First Appeal No. 83/2014 before the learned District Judge Skardu for setting aside the order/decreed of the learned senior Civil Judge Skardu which upon hearing was dismissed vide judgment dated 04.09.2015 subsequently it was upheld by the learned Gilgit-Baltistan Chief Court vide impugned judgment dated 18.08.2016, hence, this petition for leave to appeal. He prays that the impugned judgment dated 08.08.2016 as well as the concurrent findings of the courts below are not tenable and liable to be set aside.

5. We have heard the learned counsel for the petitioner at length, perused the record of the case file and gone through the judgment/orders of three courts below. The learned counsel for the petitioner could not point out any illegality, infirmity and misappreciating of evidence on record in the concurrence findings of the three courts below.

6. In view of the above discussions, the leave to appeal was refused vide short order dated 14.11.2016. Consequent thereto the impugned judgment dated 08.08.2016 in Civil Revision No. 18/2015 passed by the learned Gilgit-Baltistan Chief Court as well as the judgment dated 28.03.2009 in Civil First Appeal No. 14/2007 passed by the learned District Judge Skardu & the order/decreed dated 15.08.2007 in Civil Suit No. 111/2006 passed by the learned Civil Judge Skardu were maintained. These were the reasons for the said short order.

7. The leave is refused in above terms.

Chief Judge.

Judge.

Whether the case is fit to be reported or not?