

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

Before:-

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

**Review Petition No. 02/2015
in
CPLA No. 94/2014.**

Barat Ali & others

Petitioners.

Versus

Mst. Meher Bano & another

Respondents.

PRESENT:-

1. Mr. Amjad Hussain Advocate alongwith Mr. Ali Nazar Khan Advocate-on-Record for the petitioners.
2. Mr. Johar Ali Khan Advocate alongwith Mr. Rehmat Ali Advocate-on-Record for the respondents.

DATE OF HEARING: - 12.04.2017.

ORDER.

This Review Petition has been directed against the impugned judgment dated 17.09.2015 in CPLA. No. 94/2014 passed by this court whereby the impugned judgment dated 04.04.2014 in Civil Revision No. 53/2013 passed by the learned Gilgit-Baltistan Chief Court was maintained by refusing leave to appeal.

2. Mr. Amjad Hussain learned counsel for the petitioners after arguing his case at length has pointed out that Mr. Justice Muhammad Alam (J), in the year 1993-94 as Civil Judge First Class Gilgit had conducted the proceedings of this case and had passed certain orders thereto which has not been controverted by the

learned counsel for the respondents. Hon'ble Mr. Justice Muhammad Alam, later on was elevated as Judge of Gilgit-Baltistan Chief Court who due to an oversight heard the Civil Revision No. 53/2013 and passed impugned judgment dated 04.04.2014. He very humbly contends that propriety demands that the said Revision should have been heard and decided by another Judge as his Lordship can not sit in his own cause. He prays that this court may very graciously be pleased to review the impugned judgment dated 17.09.2015 passed in CPLA No. 94/2014 by this court and remand the case back to the learned Chief Court in order to decide afresh in its own merits in accordance with law.

3. In view of the above discussions, we allow this Review Petition by setting aside the judgment passed by this court in CPLA No. 94/2014 as well as impugned judgment dated 04.04.2014 in Civil Revision No. 53/2013 passed by the learned Chief Court. The Civil Revision No. 53/2013 be treated as pending adjudication in the learned Chief Court. Consequently, the case is accordingly remanded back to the learned Chief Court. The learned Registrar is required to place this case before the Hon'ble Chief Judge to assign the same to the learned Bench in which Mr. Justice Muhammad Alam (J) is not a member. The learned Chief Court is directed to decide the Civil Revision No. 53/2013 afresh expeditiously in its own merits in accordance with law within a period of three (03) months without being influenced by any of the observation(s) made earlier either by the learned Chief Court or by this court.

5. The Review Petition is allowed in above terms.

Chief Judge.

Judge.