

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

(Appellate Jurisdiction)

CPLA No. 03/2013

Before:

**Mr. Justice Rana Muhammad Arshad Khan, Chief Judge.
Mr. Justice Muzaffar Ali, Judge.**

Multipurpose Co-operative Society, Jagir Basin, Gilgit through its Presidents:

1. Muhammad Sabir son of Sultan Ibrahim.
2. Ayub Jehangir son of Painsa Muhammad residents of Jagir Basin, Gilgit.

..... **Petitioners**

Versus

Karakoram Co-operative Bank Limited, through its General Manager, Head Office, Babar Road, Jutial, Gilgit.

..... **Respondent**

**CIVIL PETITION FOR LEAVE TO APPEAL UNDER
ARTICLE 60 OF THE GILGIT-BALTISTAN
(EMPOWERMENT AND SELF GOVERNANCE) ORDER,
2009 AGAINST THE JUDGMENT DATED 17.12.2012
PASSED BY THE CHIEF COURT GILGIT-BALTISTAN
IN WRIT PETITION NO. 91/2012.**

Present:

Mr. Ehsan Ali Advocate for Petitioners.

Date of hearing :- 24.03.2014

Order

Rana Muhammad Arshad Khan, CJ: This petition has been directed against the order dated 17.12.2012 passed by the learned Division bench of the Hon'ble Chief Court Gilgit-Baltistan, whereby, the Writ Petition bearing No. 91/2012, filed by the petitioner, against the order dated 10.11.2012, passed by the learned Judge of the Banking Court Gilgit-Baltistan, was dismissed in limine.

2. Shorn of unnecessary facts, the Karrakuram Cooperative Bank Limited through its General Manager, Gilgit instituted a suit on 05.02.2006 in the Court of Civil Judge 1st Class Gilgit for the recovery of Rs. 5,23,709/- (Rupees Five Lac, Twenty Three Thousands, Seven Hundreds and Nine Only) outstanding against the Multi Purposes Cooperative Society, Jagir Basin, Gilgit through its representatives i.e. Petitioners No. 1 and 2.

3. The suit later on was transferred to the Court of Special Judge Customs & Judge Banking Court, Gilgit-Baltistan, Gilgit for its hearing and adjudication. The learned Special Judge after hearing the parties decreed the suit vide Judgment dated 10.11.2012.

4. The petitioners feeling aggrieved and dissatisfied, called in question the order dated 10.11.2012, passed by the learned Special Judge, through Writ Petition bearing No. 91/2012 in the Chief Court Gilgit-Baltistan which came up for hearing before the learned Division Bench of the Hon'ble Chief Court. The learned Division Bench of the Hon'ble Chief Court vide its order dated 17.12.2012 dismissed the afore-referred Writ Petition.

5. The learned counsel for the petitioner has been heard at length.

6. The perusal of the record clearly reveals that the petitioners had made an application to obtain the copy of the impugned order on 18.12.2012 and copy was prepared on the same date i.e. 18.12.2012 and the same was received by the petitioner on 28.01.2013. The petitioners, thereafter, had gone in deep slumber and could not make any effort to file a petition against the aforesaid

order. The petitioner on 28.03.2013 filed the instant petition before this court.

7. In view of Order XIII, Rule 1 of Supreme Appellate Court Rules, 2008, the petition was required to be filed within 60 days excluding the necessary period consumed in obtaining the copy. Keeping in view all these dates, the instant petition was filed before this Court with a delay of about 41 days. The learned counsel for the petitioner when confronted with the situation, he could not explain anything with regard to the filing of the petition with a delay of 41 days. The learned counsel for the petitioner was asked as to whether he has filed any application for the condonation of delay, he replied very frankly that he did not file any application requesting therein for condonation of delay.

8. It is settled by now that if any aggrieved party does not file the case within the prescribed period by law, it creates a valuable legal right in favour of the other party which cannot be taken away casually.

9. The present petition is awfully time bared and meanwhile a valuable right has accrued to the other party.

10. In view of what has been discussed above, the petition in hand is dismissed and the leave to appeal is refused.

Chief Judge

Judge