

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

Before:-

Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.

Mr. Justice Javed Iqbal, Judge.

Mr. Justice Shahbaz Khan, Judge.

Civil Appeal No. 07/2015

In

CPLA No.04/2014.

Residents of Chaqpo/Gomorra Shigar through representatives.

1. Akhun Hussain son of Braqcho.
2. Mehdi son of Habib.
3. Ali son of Amir.
4. Amir son of Shiekh Ali.
5. Rasool son of Haji Hussain.
6. Kaseer son of Karim.
7. Ghulam son of Amir.
8. Issa son of Shakoor.
9. Ibrahim son of Ismail.
10. Muhammad son of Issa residents of Chaqpo/Ghommoro Shigar District Skardu. **Petitioners.**

Versus

Residents of Mouza Saider Tehsil Shigar through representative.

1. Issa Khan son of Mehdi.
2. Issa Khan son of Ghulam.
3. Akber Son of Hussain residents of Moza Saider Tehsil Shigar District Skardu. **Respondents.**

**PETITION FOR LEAVE TO APPEAL AGAINST THE
JUDGMENT/DECREE DATED 09.04.2014 PASSED BY
THE LEARNED GILGIT-BALTISTAN CHIEF COURT,
WHEREBY HE DISMISSED THE REVISION PETITION NO.
44./2010 FILED BY PETITIONERS/DEFENDANTS AND
UPHELD THE JUDGMENT/DECREE OF LEARNED
ADDITIONAL DISTRICT JUDGE SKARDU DATED
25.05.2010.**

PRESENT:-

1. Mr. Muhammad Issa, Sr. Advocate alongwith Mr. Johar Ali Khan, Advocate- on- Record for the petitioners.
2. Mr. Muneer Ahmed, Advocate for respondents.

DATE OF HEARING:- 24-05-2016.

DATE OF DETAIL JUDGMENT:- 11.08.2016.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ..... This petition has been directed against the impugned judgment/decreed dated 09.04.2014 in Civil Revision No. 44/2010 passed by the learned Gilgit-Baltistan Chief Court, whereby the Civil Revision No. 44/2010 filed by the petitioners was dismissed and the judgment/order/decreed dated 25.05.2010 of the learned Additional District Judge Skardu was maintained. The petitioners being aggrieved by and dissatisfied with filed this petition for leave to appeal. This court vide order dated 08.09.2015 granted the leave to appeal and the case was fixed for hearing on 24.05.2016.

2. The learned counsel for the petitioners submits that Civil Suit No. 61/99 filed by the petitioner/plaintiff in the learned Trial Court i.e. Civil Judge 1st Class was dismissed. He further submits that Civil Suit No. 79/98 filed by the respondents/plaintiffs being decreed by consolidated judgment dated 25.05.2010. He further submits that in appeal the learned District Judge upheld the judgment of the learned Trial Court in Suit No. 79/1998 and the judgment passed by the learned Trial court in Suit No. 61/1999 were set aside and the matter was remanded back to the Trial Court. He further submits that the learned District Judge also held that the consolidation of both the suits were illegal. He further submits that the only remedy available to the petitioners was to invoke the provisions of the Arbitrations Act 1940. He further submits that the Suit No. 61/1999 was barred by law liable to fall

prey under Order 7 Rule 11 (d) CPC. He further submits that after remanding the Suit No. 79/1998, the learned Trial Court was pleased to grant relief was only to the extent of dry fire wood in favour of the petitioners /respondents and the suit pasture was granted in favour of respondents/defendants. He further submits that the Revision was filed before the learned Gilgit-Baltistan Chief Court which was dismissed vide Judgment/order dated 09.04.2014. He further submits that the learned Gilgit-Baltistan Chief Court mixed up the question of law i.e. Rejudicata and Estoppel which was not sustainable in law. He finally submits that the said impugned judgment/order passed by the learned Gilgit-Baltistan Chief Court is the result of misconception of law and misreading/non-reading of the facts of case, therefore, the same is not tenable and liable to be set aside.

3. On the other hand the learned counsel appearing on behalf of the respondents supports the impugned Judgment dated 09.04.2014 passed by the learned Gilgit-Baltistan Chief Court. He contends that the same has been passed in accordance with law and facts of the case, hence, the said is required to be maintained being well reasoned and well founded. No interference, therefore, is warranted into it to meet the ends of justice.

4. We have heard the learned counsels for the respective parties at length, perused the record of the case file and gone through the impugned Judgment dated 09.04.2014 passed by the learned Gilgit-Baltistan Chief Court and the Judgments/decrees

passed by the Courts below. The learned counsel for the petitioners could not point out any illegality and infirmity in the impugned judgment/Order.

5. In view of the above discussions, we converted this petition into an appeal and the same was dismissed vide our short order 24.05.2016. Consequently, the impugned judgment dated 09.04.2014 in Civil Revision No. 44/2010 passed by the learned Chief Court as well as the judgment/decreed dated 25.05.2010 in CFA No.01/2008 and OLD No. 27/2007 passed by the Additional District Judge Skardu and judgment/decreed dated 22.09.2007 in Civil suit No.79/98 passed by the Learned Civil Judge, First Class, Shigar are maintained. These were the reasons for our short order dated 24.05.2016.

6. The appeal is dismissed in above terms.

Chief Judge.

Judge.

Judge.

Whether the case is fit to be reported or not?