

**SUPREME COURT OF AZAD JAMMU AND KASHMIR**

[Appellate Jurisdiction]

**PRESENT:**

**Ghulam Mustafa Mughal, J.**

Civil PLA No.274 of 2018

(Filed on 12.12.2018)

Waqar Haneef & others

....PETITIONERS

**VERSUS**

Azad Govt. & others

....RESPONDENTS

[On appeal from the judgment of the High Court dated  
12.10.2018, in Writ Petition No.158 of 2017]

FOR THE PETITIONERS: Ch. Muhammad Ashraf  
Ayaz, Advocate.

FOR THE RESPONDENTS: Nemo.

*Date of hearing:* 28.02.2019.

**ORDER:**

**Ghulam Mustafa Mughal, J.**— This petition for  
leave to appeal has been directed against the judgment

dated 12.10.2018 passed by the Azad Jammu & Kashmir High Court in Writ Petition No.158 of 2017.

2. The facts forming the background of the captioned petition for leave to appeal are that the petitioners, herein, challenged the legality and correctness of the different recovery orders passed by the Executive Engineers Electricity of Kotli, Mirpur and Chaksawari, whereby, some amount was ordered to be recovered from the petitioners. The learned High Court sought comments from the other side and through the impugned judgment dated 12.10.2018 has dismissed the writ petition in limine.

3. Ch. Muhammad Ashraf Ayaz, the learned Advocate appearing for the petitioners argued that as the higher authorities on whose direction, recoveries were being made were party to the proceedings, hence, the writ petition could not be dismissed in limine. He submitted that an application was filed before the learned High Court for impleading parties in the line of respondents which has not been considered by the learned High Court.

The learned Advocate further submitted that after dismissal of the writ petition in limine, a separate order has been written on the back of the above said application which is not warranted at all and is against the settled principle of law.

After hearing the learned counsel for the petitioners and going through the record made available, I am of the view that the question, as to whether, the writ petition could have been dismissed in limine in the circumstances of this case, is a legal question of public importance which require resolution in a regular appeal. Leave to appeal is, therefore, granted. The petitioner is directed to deposited security of Rs.1000/- within one month failing which the leave granting order shall automatically be deemed to have been rescinded. The office is directed to complete the file and place the same before the Hon'ble Chief Justice for constitution of the Bench.

**JUDGE**

Mirpur  
28.02.2019.