



across and I am of the considered view that the suit relating to the rights in the immovable property would lie before the court within the local limits of which the property is situated and if the property is situated outside the territorial jurisdiction of the court and the suit would not be maintainable before any court except the one within territorial jurisdiction of which property is situated. In the nutshell, if a suit involves dispute relating to the rights in the immovable property, such suit will be maintainable at the place where property is situated and if the relief does not relate to the rights and interest in the property and is confined only to the extent of an ancillary matter, can be filed at the place where the cause of action wholly or partly arose. Apparently the claim of the appellant/plaintiff is not supported with the material evidence rather, the documentary evidence produced by the appellant/plaintiff is totally against his, therefore, he cannot deserve any discretionary relief of specific performance of the sale agreement in his favour and the case law cited by the learned counsel for the appellant/plaintiff are distinguishable to the facts and circumstances of the case. Suffice it to say, the appellant/plaintiff has failed to prove his case on merits and the findings drawn by the learned trial court are outcome of the proper appraisal of the evidence and the same require no interference by this court, consequently I find no merits in the instant civil appeal which is hereby dismissed with no order as to costs.”

Admittedly, in question property situated within the territorial jurisdiction at Islamabad and the suit is for specific performance of contract, hence, adjudication by the appellate Court is in accordance with law and there is no illegality or infirmity in the impugned judgment; however, with regard to jurisdiction, appellant would be competent to file fresh *lis* within the territorial jurisdiction and chosen of wrong forum is covered under Section 14 of limitation Act. Appeal is dismissed.

JUDGE