

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-4299 2016

Date	Order with signature of Judge
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For hearing of main case.

13.08.2018

Mr. Ghulam Shabbir Shah, Addl. A.G.

None present for the petitioner. We have examined the controversy jot down in the petition which shows that father of the petitioner was allegedly owner of Nissan Truck bearing registration No.JT-6425 which was allegedly sold in installment basis to respondent No.4. It is further stated in the memo of petition that the respondent No.4 failed to pay installments in the meanwhile the father of the petitioner expired on 03.04.2013. It is further stated that the respondent No.4 after the death of father of the petitioner forged his signatures in connivance with respondent No.1 and got the vehicle transferred in his name and then sold out to one Muhammad Raheem. An application was moved to the Excise & Taxation Officer who is respondent No.1 in this petition. Learned Addl. A.G. pointed out comments of respondent No. 1, 2 & 3 in which they have mentioned the entire controversy on the basis of inquiry of the Excise & Taxation Department which revealed that the present petitioner was never owner of the above vehicle. We are sanguine that in this petition, the petitioner has not alleged that he is owner of the vehicle but the entire

structure of the case is based on the ownership of his father which was allegedly transferred in a fraudulent manner. The gist of the memo of petition unequivocally shows that the controversy cannot be resolved without leading evidence and the disputed question of facts cannot be decided in the constitutional jurisdiction. The proper remedy is to invoke the jurisdiction of the civil court where the issue of title may be decided by the civil court.

In view of the above, this petition is dismissed, however, the petitioner is at liberty to lodge appropriate proceedings in the civil court in accordance with law.

JUDGE

JUDGE

Aadil Arab

