

ORDER SHEET  
HIGH COURT OF SINDH AT KARACHI  
**C.P.No.D-6543 of 2018**

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DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)  
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**Before:-**

**Mr.Justice Muhammad Ali Mazhar**

**Mr.Justice Agha Faisal**

**Muhammad Adnan .....Petitioner**

**Versus**

**E.T.O. Excise & Taxation Department**

**& another.....Respondents**

**08-03-2019**

Mr.Zamir Ahmed Kalhoro, Advocate for the Petitioner  
Petitioner is also present.

Mr.Jan Muhammad Khukhro, AAG

Ms.Nighat Khan, State Counsel

Mr.Waheed Siddiqui, A.E.T.O. Motor Registration Wing,  
Excise and Taxation Department, Government of Sindh is  
present in person.

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**Muhammad Ali Mazhar, J:** The case of the petitioner is that he availed Auto Finance Facility from Dubai Islamic Bank Limited of Pakistan and purchased Cuore CX ECO, Model 2007 Registration No.APE-462. Subsequently he paid the amount of Auto Finance Facility and the Dubai Islamic Bank Limited issued release letter and no objection certificate. Though the copies of both the letters are available on record but today counsel for the petitioner has also shown us the original release letter and no objection certificate in the name of the petitioner. The petitioner' also shown us the original registration book of the same vehicle i.e. APE-462, which is also in the name of the petitioner.

2. Earlier one Tariq Abdul Ghani filed C.P.No.D-2592/2012 in which he arrayed various respondents including E.T.O. Motor Registration Wing, Excise and Taxation Department, Government of Sindh and the present petitioner was respondent No.8. The petitioner Tariq Abdul Ghani prayed for the directions that the respondent Nos.3, 4 and 5 shall not transfer the said vehicle in any name without

NOC of the petitioner and keep the record of the above said vehicle in safe custody. The original file of the C.P.No.D-2592/2012 is connected with this petition which shows that on 17.7.2012, while issuing notice the petitioner's counsel was directed to satisfy this court on the point of maintainability of the petition, however, on 12.10.2012 counsel for the petitioner on instructions did not press the petition, which was dismissed as not pressed along with listed application. The present petition has been filed by the petitioner Muhammad Adnan to seek directions against the respondents to remove the restriction/lien on the transfer of the vehicle in question.

3. Mr.Waheed Siddiqui, A.E.T.O. Motor Registration Wing, Excise and Taxation Department, Government of Sindh is present and he admits that though the vehicle is in the name of the petitioner but they have marked caution only for the reasons that Tariq Abdul Ghani had filed C.P.No.D-2592/2012 in this court, however, he further admits that no court's order or the objection from any quarter including Dubai Islamic Bank Limited is in field for restraining him to remove caution, but he marked the caution due to pendency of C.P.No.D-2592/2012 in which also no interim orders were passed. Beside service of notice as per Bailiff report dated 16.01.2019 on Tariq Abdul Ghani on his address mentioned in his petition i.e. C.P.No.D-2592/2012 nobody has appeared to contest this petition on his behalf.

4. As a result of above discussion, this petition is disposed of with the directions to respondent No.1 to remove the caution from the vehicle registration No.APE-462.

Judge

Judge