

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-5828 of 2016

Date	Order with signature of Judge
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- 1.For order on CMA No.18512/2018
- 2.For hearing of main case.

28.05.2018

Mr. Javed Awan advocate for the petitioner.
Mr. Asim Mansoor, DAG.

Learned counsel argued that the petitioner was married with Ms. Sania at Mithra, India in the year 2006, thereafter, he brought her in Pakistan after completion of all legal documentation and proper visa. Out of wedlock two children namely Umm-e-Kulsoom and Umm-e-Hania were born and they are residing with the petitioner and his wife. The visa of the petitioner's wife was being extended by the respondent regularly till 27.10.2015. The petitioner's wife has applied for the citizenship of Pakistan but her application is pending without any response, therefore, the petitioner has filed this petition for some directions.

Learned DAG submitted the copy of comments duly signed by Sajid-ur-Rehman, Deputy Assistant Director, Directorate General Immigration and Passport, Islamabad on behalf of respondent No.2. In paragraph No.8 of the comments it is evident that the petitioner's wife applied for passport and citizenship being legally wedded wife of petitioner and the application for citizenship is under process. For the ease of

reference paragraph No.8 of the comments is reproduced as under:-

“8. Mst. Sania (Indian national) applied for Pakistan Citizenship being a legally wedded wife of Pakistani national namely Muhammad Sabir s/o Muhammad Shakir. The case for Citizenship is under process at Directorate General, Immigration and Passports Islamabad. To finalize the case security clearance is being awaited from security agencies. The applicant has to fulfill following conditions before the grant of Pakistan Citizenship.

- (i) Five years aggregate stay in Pakistan.
- (ii) Valid Foreign passport that should be surrendered at the time of receiving Pakistan Citizenship Certificate.
- (iii) Valid visa.
- (iv) Valid Residential Permit.

Clearance from security agencies i.e.

- (a) Inter Service Intelligence.
- (b) Intelligence Bureau.
- (c) Special Branch.”

In the concluding paragraph of the comments it is requested that the petitioner’s wife may be directed to get her new Indian passport and regularize her stay in Pakistan from Ministry of Interior on which learned counsel for the petitioner submits that the original passport had already been delivered by courier service and he has also attached the receipt which is available at page No. 39. Learned DAG pointed out page No. 55 of the court file which is a letter issued by Section Officer, Ministry of Interior to the petitioner’s wife dated 17.03.2016 in which it is stated that according to their record no Indian passport of the petitioner’s wife is available in the Ministry Office. Learned counsel submits that since 2012 matter of citizenship is pending without any progress. Learned DAG

proposed that some directions may be issued to expedite the process and decide the application of petitioner's wife in accordance with law on which petitioner's counsel is satisfied.

As a result of above discussion, petition is disposed of with the directions to the respondents to expeditiously decide the citizenship application of the petitioner's wife in accordance with law within one month.

JUDGE

JUDGE

Aadil Arab

