

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

C. P. No. D-7443 of 2022

Date	Order with signature of Judge
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FRESH CASE.

1. For orders on Misc. No.31536/2022.
2. For orders on Office Objection No.01.
3. For orders on Misc. No.31537/2022.
4. For orders on Misc. No.31538/2022.
5. For hearing of main case.

06.12.2022.

Moulvi Muhammad Iqbal Haider, Petitioner, in person.

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**YOUSUF ALI SAYEED, J. -** The case of the Petitioner is that he has been sanctioned a Car Loan Finance Facility by a private bank, the Respondent No.3, which is said to have in turn booked the desired vehicle assembled by the concerned manufacturer, the Respondent No.7, through its authorized Dealer, the Respondent No.6. It is said that while payments against the finance facility have fallen due and are being made, delivery of the vehicle has been delayed, with there being no prospect of ensuring delivery in sight other than to succumb to a demand allegedly made for payment of a so-called “own” amount.

2. It is in that backdrop that the Petitioner has preferred the captioned Petition, praying that this Court be pleased:-

- “(a) To declare that the respondents No.3, 4, 6 & 7 without lawful authority, using the amount of the customers in the name of Car Finances Loan and as well as Provincial Booking Order Form and delivering the vehicle on their own desecration, which is gross violation of Articles 4, 5, 9, 10, 14 and 25 of the Constitution of Pakistan.
- (b) To declare that the demand for delivery of the car/vehicle on the basis of “OWN” money is also unjust, un-fair, illegal and unlawful.

- (c) To direct the respondents No.6 & 7 to produce all the Provisional Booking Order Forms from the date of 14.01.2022 till to-date in respect of Vehicle Alto VXR.
- (d) To direct the respondent No.5 to submit approved Building Plan in respect of business of respondent No. 6 i.e. IG Motor situated at C-15, Block-20, F.B. Area, Karachi.
- (e) To direct the respondents Nos. 1, 2 and 5 to take appropriate action against the respondents No.3, 4, 6 and 7 in respect of depositing the amount of general public in respect of booking of cars, which is being used illegally.
- (f) To direct the learned Nazir to inspect and ascertain as to whether the respondents No.3, 4, 6 and 7 are taking booking from the general public in the name of car finance and car delivery which are being properly and legally maintained.
- (g) To restrain the respondents Nos.6 & 7 not to demand OWN amount from the general public in the name of immediate delivery and further to restrain the respondents No.3 & 4 not to demand monthly installment from the petitioner unless the vehicle of the petitioner be delivered.
- (h) To grant any other relief, which the Hon'ble Court deems fit and proper and in the interest of justice.

3. Having considered the matter, we are of the view that the grievance of the Petitioner is not justiciable within the ambit and purview of Article 199, as the same out of a contract and the concerned Respondents all operate in a private domain. As to the relief sought through Prayer (d), it is evident from a perusal of the Petition that the issue raised is bereft of any proper foundational pleading in that regard, and is ancillary and unrelated to the real focus of the Petition, thus the prayer appears to have been advanced for an oblique purpose. Indeed, from the particulars set out in the title, it is apparent that the Petitioner does not even reside in the same vicinity where the premises of the Respondent No.6 are shown to be situated. Nor has any approach demonstrably been made by the Petitioner to the Sindh Building Control Authority, the Respondent No.5, on that score.

4. Under the given circumstances, we are of the view that the Petition is not maintainable, hence while granting the application for urgency we sustain the Office Objection raised in that regard and hereby dismiss the Petition *in limine*, along with the other miscellaneous applications, leaving the Petitioner at liberty to avail such alternate remedies as may be provided under the law.

JUDGE

CHIEF JUSTICE

MUBASHIR