

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. D-3633 of 2019

Date: Order with signature of Judge

For orders on MA No.20044/19

11.7.2019

Mr. S. Ehsan Raza for petitioner
.X.X.X.X.

1. Urgency application granted.

Petitioner claims to have purchased a vehicle. While the process was being finalized and possession was being handed over to the petitioner an FIR was lodged. He then moved an application for the release of the vehicle under section 516-A Cr.P.C. However, the magistrate declined to handover the possession of vehicle to the petitioner as there were two claimants. The Magistrate then directed the parties to get the title cleared. The petitioner then filed a suit for declaration along with an application under section 151 CPC for interim custody of the vehicle which was dismissed followed by dismissal of revision application bearing Civil Revision No.34/2019.

This petition has been filed against concurrent findings of two Courts below. No error is apparent on record as the civil Court was not inclined to hand over the vehicle to the petitioner until and unless title is cleared. It was the prerogative of the Magistrate in a case, in pursuance whereof the trial of FIR No.611/2017 was proceeded. The parameters of Section 516-A Cr.P.C is different then prima facie in a suit and it is to be released to a person from whose custody it was last recovered. The order shows that the possession of the vehicle was declined as there were two claimants is, perhaps, under present circumstances, is not requirement of Section 516-A Cr.P.C.

Be that as it may, petition is misconceived as there is no error in the orders of two Courts below. The petition is therefore, dismissed. The petitioner may, however, avail his remedy as available to him under the law.

Judge

Judge