

Form No: HCJD/C-121

JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

W.P. No.472/2021

Faisal Jamal Ayoob

Versus

Learned District Judge, Islamabad, etc

Petitioner by : Ms. Ammara Kazmi, Advocate.

Respondents by : Ch Junaid Nadeem, Advocate.

Date of Hearing : **05-03-2021.**

ATHAR MINALLAH, C.J.- Through this petition, the petitioner has assailed order, dated 07.01.2021, passed by the learned District Judge, Islamabad (West), whereby the separate suits filed by the parties have been consolidated and ordered to be placed before the designated court dealing with matters of overseas Pakistanis.

2. The learned counsel for the petitioner has contended that the respondent is not an overseas Pakistani; the respondent was arrested on 12.11.2018 by the National Accountability Bureau and reference against him is pending before a competent court; the respondent was released from prison on 23.04.2020; the latter holds a Pakistani passport and only on the basis of NICOP card he was treated an overseas Pakistani.

3. The learned counsel for the respondent has contended that though the latter holds a Pakistani passport but he is living abroad and has been treated as such because NICOP card has been issued by a competent authority; the respondent has been living abroad since 1978; the family members of the respondent are all U.S nationals.

4. The learned counsels for the parties have been heard and the record perused with their able assistance.

5. The court designated is to deal with cases of genuine overseas Pakistanis. The determining factor for an overseas Pakistani is his or her passport. In the case in hand the respondent is living in Pakistan for last two years and he holds a Pakistani passport. No prejudice would be caused if the two separate suits are consolidated and heard by a competent court other than the designated court for overseas Pakistanis. The suits were already pending in two different courts.

6. For the above reasons, this petition is allowed and the impugned order is hereby set-aside. The learned District Judge, Islamabad (West) is expected to consolidate both the suits and ^{place} ~~placed~~ them before a competent court other than the designated court for overseas Pakistanis. This Court further expects that the trial in both the separate suits would be concluded at the earliest.

(CHIEF JUSTICE)