

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P No. 418/2020

Shahid Mehmood Hussain

Versus

Station House Officer, Police Station, Shalimar, Islamabad etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(02)	24.02.2020	Qazi Rehan Shabbir, Advocate for the petitioner.

Through this writ petition, the petitioner has prayed for issuance of direction to respondents to hand over the vehicle bearing No. LEF-258, engine No. X598181, Chassis No. NZE-120-6068777, Model-2007 to the petitioner.

2. Learned counsel for the petitioner contends that respondent No.2/Nasir Mehmood has filed an application for Superdari of the vehicle, which was accepted by the learned Judicial Magistrate, Section 30, (West), Islamabad vide order dated 09.10.2019; that against the said order, petitioner has filed application for cancellation of Superdari, same was accepted and the order dated 09.10.2019 was recalled vide order dated 22.10.2019, passed by learned Judicial Magistrate, Section 30 (West), Islamabad; that against the order dated 22.10.2019, respondent No.2/Nasir Mehmood has filed criminal revision and the same was dismissed vide order dated 14.11.2019, passed by learned Additional Sessions Judge (West), Islamabad, whereby the order

for recalling of Superdari dated 22.10.2019 was upheld with direction to S.H.O concerned to take into custody the vehicle and handover the same to the petitioner as the vehicle is in illegal possession of the respondent No.2.

3. Perusal of record reveals that learned Trial Court as well as learned Appellate Court has passed the direction to the S.H.O, Police Station Shalimar to take into custody the vehicle and handover the same to the petitioner after due verification, but S.H.O, P.S Shalimar did not comply with the orders passed by the Courts below for handing over the possession of the vehicle in question.

4. Be that as it may, since the question of Superdari has already been settled in favour of present petitioner, therefore, learned Trial Court may proceed in accordance with law to implement its own orders positively within thirty (30) for handing over the possession of vehicle in question to the present petitioner.

5. Instant writ petition is **disposed of** in above terms.

(MOHSIN AKHTAR KAYANI)
JUDGE

RAMZAN