

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

W.P.No.3902 of 2019  
Muhammad Salmoon Ilyas  
**Versus**

Sessions Judge (East) Islamabad and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	04.03.2020	<b>Mr. Mehar Jabir Abbas, Advocate for the petitioner</b> <b>Mr. Sadaqat Ali Jahangir, learned State Counsel with Ch. Zafar A.S.I.</b> <b>Mr. Zamir Ahmad Malik, Advocate for respondent No.2</b>

Through the instant writ petition, the petitioner, Muhammad Salmoon Ilyas, impugns the order dated 02.10.2019 whereby the learned Sessions Judge allowed respondent No.2's criminal revision petition and set-aside the order dated 18.09.2019 to the extent of dismissal of her application for grant of superdari, whereas the petitioner's criminal revision was dismissed.

2. Learned counsel for the petitioner submits that the petitioner is a lawful and *bonafide* owner of the vehicle (Toyota Aqua) bearing registration No.AEB-948, Model 2013 ("the vehicle"); that respondent No.1, while passing the impugned order, failed to take into consideration that the vehicle in question was lawfully registered in the name of the petitioner in the records of Excise & Taxation Office; and that the vehicle in question could not have been given on *superdari* to respondent No.2 on the basis of her being lastly possessed the same. Learned counsel has prayed for the writ petition to be allowed and for the impugned orders to be set-aside.

3. On the other hand, learned counsel for respondent No.2 opposed the petition with vehemence and submitted that the petitioner's

claim that he was the owner in possession of the vehicle in question is absolutely wrong as the vehicle in question was given by respondent No.2's father to her at the time of marriage; and that the petitioner instead of registering the vehicle in question in the name of respondent No.2 illegally registered the same in his own name. Learned counsel prayed for the writ petition to be dismissed and upheld the order dated 02.10.2019.

4. I have heard the contentions of the learned counsel for the contesting parties.

5. Respondent No.2 claimed to be owner of the vehicle in question not only on the basis that she was last in possession of the same but also claimed ownership of the vehicle as the same was given to her by her father at the time of marriage, and that the petitioner with a *malafide* intention got the same registered in his own name. When this Court put a query to the petitioner as to how and when he had purchased the vehicle in question and asked him to provide documents in this regard, he failed to satisfy this Court, and admitted that he had not purchased the vehicle in question, and that the same was given to respondent No.2 by her father. As regards the petitioner's claim that the vehicle in question still exists in the petitioner's name in the records of Excise & Taxation Office and he is a *bonafide* lawful registered owner of the vehicle in question, suffice it to say that the petitioner himself admitted this fact that the vehicle in question was given by his father-in-law to respondent No.2 as a bridal gift/ dowry article. The petitioner's implied admission as regards the purchase of the vehicle in question makes it clear that the vehicle in question was gifted to respondent No.2 by her father at the time of the

marriage with the petitioner. Admittedly, the marriage between the petitioner and respondent No.2 had been dissolved, therefore I am of the opinion that the possession of the dowry in the shape of the vehicle in question becomes wrongful with the husband when divorce has taken place. As regards the petitioner's contention that the vehicle in question could not have been given to respondent No.2 on the basis of her being lastly in possession of the same, suffice it to observe that the learned revisional court held respondent No.2 entitled to the superdari of the vehicle in question and formed a correct view that respondent No.2 was the last possessor after recording the statement of Mohib ur Rehman to the effect that *he took the vehicle from respondent to take his father to hospital and in the way the police took the vehicle from him. It appears that respondent was the last possessor and she gave the vehicle to Mohib ur Rehman Khan for the time being.*

6. In view of the above, I have no reason to interfere in the impugned order dated 02.10.2019, passed by the Court of learned Acting Sessions Judge, Islamabad. Consequently, the instant writ petition, being devoid of merits, is dismissed with no order as to costs.

Qamar Khan\*

(MIANGUL HASSAN AURANGZEB)  
JUDGE