

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

Aziz v. Butt

Aziz, 2026 NY Slip Op 01176 (Supreme Court of the State of New York Appellate Division Second Judicial Department 2026) · No. 2024-09208 · Decided March 4, 2026

SUMMARY

The Appellate Division, Second Department affirmed an order denying Javaid Aziz permission to visit and communicate with his sister, Jamila Butt, and requiring him to obtain judicial approval before commencing further proceedings concerning her or her estate planning documents. The court held that Jamila Butt's power of attorney authorized Neelofar Butt to control access and that the record supported restrictions intended to prevent vexatious litigation.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Lara J. Genovesi, J.P.; Paul Wooten; Lourdes M. Ventura; Donna-Marie E. Golia
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	March 4, 2026
DOCKET	2024-09208
DISPOSITION	affirmed
PROCEDURAL POSTURE	The plaintiff appealed from an order of the Supreme Court, Westchester County, that denied his motion for permission to visit and communicate with his sister and granted the defendant's cross-motion requiring him to obtain judicial approval before commencing further proceedings or actions against her concerning his sister or her estate-planning documents.
STANDARD OF REVIEW	The Appellate Division reviewed the denial of permission to visit and communicate for whether the Supreme Court properly exercised its authority and reviewed the restriction on further litigation under an abuse-of-discretion standard, concluding that the Supreme Court providently exercised its discretion.

PRECEDENTIAL VALUE	published
PARTIES	Javaid Aziz v. Neelofar Butt

TOPICS

power of attorney estate planning sanctions appellate procedure civil procedure

PRACTICE AREAS

civil procedure appellate procedure estate planning powers of attorney

QUESTIONS PRESENTED

1. Whether the Supreme Court properly denied Javaid Aziz permission to visit and communicate with Jamila Butt where the power of attorney authorized Neelofar Butt to determine who could do so.
2. Whether the Supreme Court properly required Javaid Aziz to obtain judicial approval before commencing any further proceeding or action against Neelofar Butt concerning Jamila Butt or Jamila's estate-planning documents.

HOLDINGS

1. The Supreme Court properly denied the plaintiff's motion because Jamila Butt's power of attorney authorized Neelofar Butt to determine who could visit and communicate with Jamila, and the plaintiff established no basis to disturb Neelofar's exercise of that authority.
2. The Supreme Court providently exercised its discretion in requiring the plaintiff to obtain judicial approval before commencing any proceeding or action against Neelofar Butt concerning Jamila Butt or Jamila's estate-planning documents and, when seeking approval, to disclose all related legal actions in which he was a party.

KEY QUOTATIONS

“There is ample basis in the record to support the court's determination to prevent the plaintiff from engaging in further vexatious litigation” ([*2])

FACTUAL BACKGROUND

Jamila Butt executed a power of attorney appointing her daughter, Neelofar Butt, as attorney-in-fact. The power of attorney granted Neelofar authority to determine who could visit and communicate with Jamila. Javaid Aziz sought permission to visit and communicate with Jamila after prior litigation challenging the power of attorney had been dismissed and after he had commenced another action seeking the same relief.

PROCEDURAL HISTORY

The plaintiff previously challenged the validity of his sister's power of attorney, and that proceeding was dismissed on June 17, 2021. He then commenced this action seeking the same relief; the Supreme Court dismissed the complaint and enjoined him from commencing future actions against the defendant without leave

of court. After leave was granted, the plaintiff moved for permission to visit and communicate with his sister, while the defendant cross-moved for an expanded judicial-approval requirement. The Supreme Court denied the plaintiff's motion and granted the relevant branch of the defendant's cross-motion, and the Appellate Division affirmed insofar as appealed from.

DISPOSITION

affirmed

CASES CITED

- Matter of Woldeselassie v. Colon, 227 A.D.3d 725, 727
- Matter of Soumare v. White, 214 A.D.3d 992, 993-994

OPINION

PER CURIAM.

Aziz v Butt (2026 NY Slip Op 01176) Aziz v Butt 2026 NY Slip Op 01176 Decided on March 4, 2026 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided on March 4, 2026 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department LARA J. GENOVESI, J.P.

PAUL WOOTEN LOURDES M. VENTURA DONNA-MARIE E. GOLIA, JJ. 2024-09208 (Index No. 64749/21) [*1]Javaid Aziz, appellant, v Neelofar Butt, respondent, et al., defendant. The Law Offices of Joseph S. Guling, Jr., Esq., PLLC, White Plains, NY, for appellant. Christopher M. Mangold, PLLC (Hasapidis Law Offices, South Salem, NY [Annette G. Hasapidis], of counsel), for respondent.

DECISION & ORDER In an action, in effect, pursuant to General Obligations Law § 5-1510, the plaintiff appeals from an order of the Supreme Court, Westchester County (William J. Giacomo, J.), dated September 3, 2024.

The order, insofar as appealed from, denied the plaintiff's motion, in effect, for permission to visit and communicate with Jamila Butt and granted that branch of the cross-motion of the defendant Neelofar Butt which was to direct the plaintiff to obtain judicial approval before filing any proceeding or action against the defendant Neelofar Butt regarding Jamila Butt or any estate planning documents regarding Jamila Butt and, in seeking judicial approval, to disclose to the court all legal actions involving Jamila Butt or the defendant Neelofar Butt in which the plaintiff is a party.

ORDERED that the order is affirmed insofar as appealed from, with costs. The plaintiff commenced a prior proceeding challenging the validity of a power of attorney of his sister, Jamila Butt, which appointed Jamila Butt's daughter, the defendant Neelofar Butt (hereinafter the defendant), as Jamila Butt's attorney-in-fact (hereinafter the prior proceeding).

The prior proceeding was dismissed in an order dated June 17, 2021. In October 2021, the plaintiff commenced this action seeking the same relief. In an order dated December 22, 2021, the Supreme Court, inter alia, granted the defendant's cross-motion to dismiss the complaint and enjoined the plaintiff from commencing future actions against her without leave of the court.

After being granted leave by the Supreme Court, the plaintiff moved, in effect, for permission to visit and communicate with Jamila Butt. The defendant opposed the motion and cross-moved, inter alia, to direct the plaintiff to obtain judicial approval before filing any proceeding or action against the defendant regarding Jamila Butt or any estate planning documents regarding Jamila Butt and, in seeking judicial approval, to disclose to the court all legal actions involving Jamila Butt or the defendant in which the plaintiff is a party.

In an order dated September 3, 2024, the court, among other things, denied the plaintiff's motion and granted that branch of the defendant's cross-motion. The plaintiff appeals. The Supreme Court properly denied the plaintiff's motion, in effect, for permission [*2]to visit and communicate with Jamila Butt.

The plaintiff acknowledged that Jamila Butt's power of attorney grants the defendant the authority to determine who may visit and communicate with Jamila Butt. Thus, pursuant to Jamila Butt's power of attorney, the defendant was permitted to deny the plaintiff's requests to visit or communicate with Jamila Butt, and the plaintiff failed to set forth any basis to disturb the defendant's exercise of this authority.

The Supreme Court also providently exercised its discretion in granting that branch of the defendant's cross-motion which was to direct the plaintiff to obtain judicial approval before filing any proceeding or action against the defendant regarding Jamila Butt or any estate planning documents regarding Jamila Butt and, in seeking judicial approval, to disclose to the court all legal actions involving Jamila Butt or the defendant in which the plaintiff is a party.

There is ample basis in the record to support the court's determination to prevent the plaintiff from engaging in further vexatious litigation (see *Matter of Woldeselassie v Colon*, 227 AD3d 725, 727; *Matter of Soumare v White*, 214 AD3d 992, 993-994).

The parties' remaining contentions either are without merit or need not be reached in light of our determination. GENOVESI, J.P., WOOTEN, VENTURA and GOLIA, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court

