

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
C.P. No.S-1072 of 2024

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Date	Order with Signature of Judge
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*Ramzan Khalid* .....*Petitioner*

*Versus*

*Mst. Hadiqa Taskeen and others* .....*Respondents*

Hearing/Priority Case

1. For orders on office objection.
2. For hearing of M.A. No.8070/2024
3. For hearing of main case.

Date of hearing :22.05.2025

Date of order :22.05.2025

Mr. Abdul Rauf Malik, Advocate for the Petitioner.  
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**ORDER**

Through instant petition, the Petitioner is aggrieved with the Impugned judgment and decree dated 22.07.2024 passed in Family Appeal No.57/2024. The said Family Appeal emanated from the order dated 13.03.2024 in Family Suit No.1875/2023 passed by the learned Family Judge, Karachi South. The main contention of the learned counsel for the Petitioner is that he was not served properly in the aforesaid Family Suit and through instant petition he seeks remand of the case to the Family Court to decide the matter on merits. Instant petition was filed on 27.08.2024 and the same was taken up firstly on 07.10.2024 and notices were ordered to be issued to the Respondents repeatedly even through the Executing Court. However, nobody affected appearance on behalf of the Respondent. Instant Constitutional Petition is being adjudicated with the able assistance of the learned counsel for Petitioner.

2. I have heard the learned counsel for the Petitioner and perused the record. I have also noted some irregularity in the service affected upon the Petitioner.

However, no detailed deliberation in this regard is warranted. I agree with the contention of the learned counsel that the case ought to be decided on merits and not on technicalities. Accordingly, instant petition is allowed and the matter is remanded back to the above noted Family Court for decision on merits subject to deposit of Rs.450,000/- (Rupees Four Lacs Fifty Thousand Only) directly to the Respondent No.1.

3. Petition stands disposed of in the above terms along with listed application with the direction to the learned trial Court to decide the matter on merits within sixty (60) days from today.

Judge

Nadeem