

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Const. Petition No. S-168 of 2025

Date of hearing	Order with signature of Judge
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- 1. For orders on office objections.
- 2. For orders on CMA 531/2025 (S/A)
- 3. For hearing of main case

09-09-2025.

Mr. Muhammad Yaseen Khaskheli, Advocate for petitioners.
Respondent No.3 Bilawal present in person.
Mr. Ghulam Abbass Kuber, AAG.

Learned counsel for the petitioners files statement according to which the petitioners have stated that there was misunderstanding as to interpretation of the impugned order. Learned counsel or the petitioners contended that the two portions of the order were inadvertently considered by the petitioners as depending upon each other as such the meeting was to be taken place on submission of security. Though respondent No.3 Bilawal present in the matter denies the same. No material has been shown to substantiate and for this Court to come an understanding that the non-compliance was deliberate and intentional in view of the explanation though weak. The provision of security being available at the time of meeting is also a normal process for the Courts to order and in the said circumstances the order of taking of cognizance is found to have been taken without considering the human mistake that may have occurred. Interpretation of law in cognizance required that the human error of judgment be considered and cognizance is liable to be taken where a clarity of malafide and malicious is apparent on the face of it. In the

present circumstances it is found proper that the impugned order be set aside, however, the same is with a caution to the petitioners that in case such interpretation is found available in their career in future on account of the exercise already conducted, there shall be no room for such conduct available on their part.

Accordingly, this petition is allowed and the impugned order dated 28.06.2025 in Guardian and Wards Application No.36 of 2024 passed by IInd Civil/Family Judge & Judicial Magistrate Mirwah is set aside to the extent of taking of cognizance but along with the warning as above referred.

J U D G E

Irfan

