

HIGH COURT OF SINDH KARACHI

Const. Petition No.S-1438 of 2025  
(Muhammad Ubaid Khan v. Mst. Rehmat Jamali & Ors.)

Date	Order with signature(s) of Judge(s)
Hg:/Priority	
	1. For hearing of Misc. No.9203/2025
	2. For hearing of main case.

12.01.2026.  
Mr. Faisal Shahzad, Advocate for the Petitioner.  
Mr. Abdul Jalil Zubedi, Assistant Advocate General Sindh.

ORDER

This petition is directed against the judgment dated 12.11.2025 passed by the District Judge (East) Karachi in Civil Revision No.194 of 2025 (re: Muhammad Ubaid Khan v. Mst. Rehmat Jamali & another) and order dated 21.05.2025 passed by the Court of Family Judge (East) Karachi in Family Suit No.3413 of 2024 (re: Mst. Rehmat Jamali & another v. Muhammad Obaid Khan).

2. The crux of the controversy involved in the present petition is that a family suit was filed by the respondent, Mst. Rehmat Jamali, before the Court of the Family Judge (East), Karachi. Pursuant to the notices, an application under Section 7 of the West Pakistan Family Courts Act, 1964, read with Rule 4 of the West Pakistan Family Courts Rules, 1965, for rejection of the plaint was filed, which was declined vide order dated 12.12.2024. The revision application preferred against the said order was also dismissed.
3. The case of the petitioner is that the Family Judge (East), Karachi, lacks jurisdiction to entertain the family suit, as the parties were residing within the jurisdiction of P.S. Shahrah-e-Faisal, Karachi, whereas the suit was instituted before a Court having jurisdiction over the limits of P.S. Gulistan-e-Jauhar, Karachi.
4. Learned counsel for the petitioner submits that both the Courts below have failed to properly appreciate the provisions of law, inasmuch as only the Court within whose jurisdiction the parties reside has the jurisdiction to entertain the family suit. As such, the orders passed by the Courts below are illegal, without jurisdiction, and therefore liable to be set aside.
5. Mr. Abdul Jalil Zubedi, Assistant Advocate General, Sindh, opposed the petition on the ground that under Rules 4 and 6 of the West Pakistan Family Courts Rules, 1965, the Court where the cause of action has partly or wholly arisen is competent to entertain the suit, whereas the parties have claimed that the cause of action to file the suit accrued before the Court where the suit was instituted. He prayed to dismiss the petition.

6. Notice of this petition was issued to the respondent; however, the same was returned unserved. It appears from the record that the address of the respondent has been incorrectly mentioned in the memo of the petition. Since the question involved in the present petition pertains to the jurisdiction of this Court, the same can be decided with the assistance of the learned Assistant Advocate General, Sindh.

7. It transpired from the record that the learned Family Court (East), Karachi, vide order dated 29.10.2024, allowed an application under Section 17-A of the West Pakistan Family Courts Act, 1964, directing the petitioner to deposit an amount of Rs. 50,000/- per month as interim maintenance for the minors till the final disposal of the family case. The petitioner was further directed to pay the school fees of the minors, for decision on merits, the learned Trial Court framed issues. After the order dated 29.10.2024, an application regarding the jurisdiction of the Court was filed in November 2024, which was turned down.

8. If the contention of the learned counsel for the petitioner is taken to be correct that the parties did not reside within the territorial jurisdiction of the Family Judge (East), Karachi, the said Court still had the jurisdiction to entertain the suit, as the respondent had mentioned in the memo of plaint that the cause of action to file the suit accrued within the limits of the jurisdiction of the said Court. Rule 6 of the West Pakistan Family Courts Rules, 1965, lays down the mechanism for filing a suit before the Family Court, which reads as under:-

6. The Court which shall have jurisdiction to try a suit will be that within the local limits of which-

- (a) the cause of action wholly or in part has arisen, or
- (b) where the parties reside or last resided together:

Provided that in suits for dissolution of marriage or dower, the Court within the local limits of which the wife ordinarily resides shall also have jurisdiction.

9. From a perusal of the above rule, it is clear that the Court within whose jurisdiction the parties permanently reside or have resided in the past, or where the cause of action has wholly or partly arisen, has the jurisdiction to entertain the suit. Therefore, the suit was rightly entertained by the Court below. Since the respondent has claimed maintenance for the minors and recovery of dowry articles, the institution of the suit before the Family Court of the same district does not, in any manner, prejudice the case of the petitioner. This petition, being devoid of merits, is hereby dismissed with no order as to costs.

**JUDGE**