

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
C.P. No. D-3643 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of main case.

24.01.2019

Present: Mr. Justice Muhammad Ali Mazhar
Mr. Justice Agha Faisal

Syed Safqar Hussain, advocate for the petitioner
Mr. Jawwad Dero, Additional Advocate General
None present for the Respondent No. 3

Muhammad Ali Mazhar.J:- Counsel for the Respondent No. 3 is called absent. Through this petition, petitioner has prayed that directions may be issued to Respondent No. 2 to grant permission to the petitioner to solemnize second marriage under the provisions of Muslim Family Law Ordinance, 1961. Learned Counsel pointed out the application moved under Section 6(1) of Muslim Family Laws Ordinance, 1961. The Respondent is wife of the Petitioner, who is Respondent No. 3 in this petition. Respondent No. 2 has filed comments in which he admits that the application filed by the petitioner is pending and notices were issued to his wife on this application. It has further stated that since the matter is pending in this Court, therefore, he did not pass any order on this application. Comments of Respondent No. 3 are also on record in which she states that she has no concern but the petitioner is bound to pay the maintenance of her family each month without fail.

Section 15 of the Muslim Family Laws Ordinance, 1961, provides that an application under sub-section (1) of Section 6 for permission to contract another marriage during the subsistence of an existing marriage shall be in writing, shall state whether the consent of the existing wife or wives has been obtained thereto, shall contain a brief statement of the grounds on which the new marriage is alleged to be

just and necessary, shall bear the signature of the applicant, and shall be accompanied by a fee of one hundred rupees.

This petition is disposed of with direction to Respondent No. 2 to decide the pending application of the petitioner in accordance with law within 45 days after issuing proper notice to respondent No. 2 and providing opportunity of hearing to her.

Copy of this order be transmitted to Respondent No. 3 for compliance. Also send copy of this order to respondent No.3.

JUDGE

JUDGE

FAISAL MUMTAZ/PS*

