

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

**C.P No.S-2203 of 2018**

Date	Order with signature of Judge
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1. For Order on CMA No.8897/2018 (Urgent)
2. For Order on CMA No.8898/2018 (Exemption)
3. For hearing of Main case
4. For Order on CMA No.8899/2018 (stay)

**18.10.2018**

Syed Bilal Yousuf, advocate / Petitioner.  
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1. Urgency application is granted.
2. Exemption granted subject to all just exceptions.
- 3&4. This constitution petition is directed against the interim order whereby amendment in the plaint of Family Suit No.562/2017 was allowed by the Family Court. The amended plaint has already been filed in compliance of the order dated 10.9.2018. In the first place the petition is not maintainable since there is no impediment in filing amended plaint even after six months of pendency of the suit irrespective of **Section 12-A** of the Family Court Act, 1964. It is also stated by the learned counsel that Family Suit is consolidated with **G&W No.739/2017** (Syed Bilal Yousuf ..Vs.. Mst. Naseem us Sahar) and order for meeting with the child has already been passed but unfortunately that order has not been complied with in letter and spirit. It is indeed very unfortunate that there has been a delay not only in this particular case but in several other family suits beyond statutory period for various reasons. However, to curtail further delay in this case while dismissing this petition as not maintainable, at the request of learned counsel it is observed as follows as guideline for the trial Court to proceed in this particular case though such

guideline is in the line with **Section 12-A** of the Family Court Act, 1964.

- i. Petitioner shall file amended written statement on 27.10.2018 when the case is already fixed for the purpose of amended written statement.
- ii. Learned counsel is also directed to file proposed issues alongwith amended written statement and the Family Court on the same day adopt the issues in consultation with the respondent / plaintiff and by application of his /her own mind to the issues proposed.
- iii. The trial Court is directed to ensure that if ward is not produced by the Respondent (Mst. Naseem us Sahar), coercive action in accordance with law should be taken.

I believe the failure of the Respondent to comply with the order may disentitle the respondent with the custody of the child during pendency of G&W Proceeding. This is to be seen by the trial Court while passing any order in this respect on failure of respondent to ensure meeting as per order. This case should be taken on every Saturday and no adjournment shall be granted to the parties by the Court on any ground whatsoever to ensure compliance of **Section 12-A** of the Family Court Act, 1964, Family suit should be disposed of within five months from **27.10.2018** onwards as it has already covered a period of two years. Progress report on every month should be submitted through MIT-II to this Court for perusal in chamber.

With the above observation, this petition stands disposed of.

JUDGE

