

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D- 6307 of 2018

DATE	ORDER WITH SIGNATURE(S) OF JUDGE(S)
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Present
Mr. Justice Muhammad Ali Mazhar
Mr. Justice Agha Faisal

Mst. Alveena Jabbar V/s..... Federation of Pakistan & others.

03.12.2018.

Mr. Masood Ghani, Advocate for Petitioners.

Mr. Abdul Jabbar Qureshi, Assistant Attorney General.

Muhammad Ali Mazhar, J: Petitioner has approached for declaration that she has rightly exercised her power of divorce as delegated to her by her husband in Column No. 18 of Nikah Nama and after pronouncement of Talaq through written deed, the marriage between the petitioner and respondent No.4 stands dissolved. Since the respondent No.3, was not issuing confirmation certificate, therefore, this petition has been filed for directions against respondent No.3 also to confirm the divorce between the petitioner and respondent No.4 and issue confirmation certificate as required under Section-7 of the Muslim Family Law Ordinance, 1961. The record reflects that on 26.9.2018 counsel for respondent No.4 Mr. Khalid Pervaiz Channa appeared and he filed a statement duly signed by respondent No.4 and the learned counsel for the respondent No.4 in which though they have denied allegations leveled in the petition, however, it is clearly stated that he/respondent No.4 has no objection, if this court dispose of the petition as per prayer of the petition. It is further stated in the same statement that marriage of the spouse could not be consummated therefore, petitioner is liable to left the dower amount in view of her remedy of Column/ Clause No.18 of the Nikah Nama. The respondents

Nos. 2 and 3 has filed their reply but their counsel submits that it was not in the knowledge of the respondents Nos. 2 and 3 that the respondent No.4 has already filed a statement in writing giving his no objection for disposing of this petition, therefore, he proposed that the petitioner may be directed to appear before respondent No.3 so that the matter will be considered and confirmation certificate will be issued to the petitioner in accordance with law. Counsel for the petitioner is satisfied. The petition is disposed of accordingly.

Judge

Judge

AbRzk

