

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P.No.S- 587 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on M.A- 1663 of 2020.
2. For orders on office objection.
3. For orders on M.A- 1620 of 2020.
4. For orders on M.A- 1621 of 2020.
5. For hearing of main case.

11.01.2021

Mr. Zafar Iqbal Seenharo, Advocate for petitioner.

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Through this petition, the petitioner has assailed the legality and propriety of the order dated 26.10.2020, passed by the learned Family Judge-III, Hyderabad in Family Suit No.908 of 2020, whereby the learned trial Court on failure of pre-trial proceedings between the parties, has ordered to dissolve the marriage between the petitioner and respondent No.2 by way of Khulla.

2. I have heard the learned counsel for petitioner and perused the record.
3. The only ground taken by learned counsel for petitioner is that before the trial Court in his written statement he has taken the ground that respondent No.2 is not his wife; therefore, the finding of the trial Court is contrary to law and he has no other remedy. This is no ground to invoke the constitutional jurisdiction of this Court. The only remedy available to the petitioner is that once the suit of the respondent was disposed of on merits by the family Court only an appeal under section 14 of West Pakistan Family Court Act, 196a can be filed, which the petitioner has failed to avail.
4. In the given circumstances where learned Court below while delivering the impugned judgment has given cogent and sound reason and disposed of the family suit on failure of pre-trial proceedings there appears no error, illegality or irregularity on the surface to call for any interference, I see no merits in the instant petition, accordingly, relying on the dictum laid down by

the Apex Court in the case of **Abdul Razzak v. Shabnam Noonari** (2012 SCMR 976), this petition is dismissed in limine alongwith the pending applications.

JUDGE

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