

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

C.P No.S-794 of 2019

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders on office objection
For hearing of main case.

01-11-2019

Mr. Altaf Hussain Chandio, Advocate alongwith petitioners.

Mr. Badal Gahoti, Advocate alongwith private respondents No.7 to 12.

Mr. Wali Muhammad Jamari, Asst: Advocate General.

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Addressing the office objection regarding maintainability of the captioned petition, learned counsel states that same is maintainable as the issue involved in the matter is with regard to the marriage of petitioners whereas the private respondents are objecting to it, therefore this petition can be heard and decided on merit. Be that as it may, the petitioner No.1 Mst. Ambreen Daughter Ali Murad Lakho is present in Court and states that she is *sui juris* and has contracted the valid marriage with petitioner No.2 out of her own free will and accord without any pressure, coercion and/or undue influence and she is living with petitioner No.2 as his legally wedded wife. She further states that the private respondents are annoyed with their marriage and have taken false plea of second marriage; that all such allegations are false and there is grave apprehension that she and her husband (petitioner No.2) may be booked in any false criminal case and so also they may be killed at any time by the private respondents on the pretext of Karo-Kari.

Conversely, learned counsel representing the private respondents states at the bar that petitioner No.1 was already married with respondent No. 10 ; therefore, he may be allowed to institute proper proceedings before the competent Court of law against the petitioners.

After careful consideration of what has been pleaded by respective parties and meticulous examination of the available record, in my tentative view, there are allegations and counter allegation leveled by the parties and there can be no denial to the fact

that 'event of the marriage' is always an event of honor of family particularly, when it is being solemnized without an attempt to keep it secret, therefore, all authorities, otherwise, are entitled to question the validity thereof, should strictly act keeping this aspect in mind and should not act in a manner prejudicial to the honor of such family or girl. The authority should try to first satisfy itself about genuineness of the information and then to decide whether to proceed or otherwise because if at the end of the day the information is found false or causeless there would be nothing to compensate the loss, sustained by the family complained against.

At this stage learned A.A.G states that since the petitioner No.1 has expressed her view point before this Court that she has contracted a valid marriage with petitioner No.2; therefore, under the law due protection can be provided to her and her husband strictly in accordance with law. It would suffice to say that petitioners, being citizen of Pakistan, shall not be harassed and they shall continue enjoying guarantee, provided by the Constitution and other laws of the land; and any breach thereof shall open the guilty not only to legal action, provided such act, but to contempt of this Court.

In view of such statement which was earlier recorded by this Court vide order dated 25.10.2019, the same needs not to be reiterated and the concerned SHO is directed to provide legal protection to the couples (Petitioners) and to ensure that no undue harassment is caused to them.

This petition stands disposed of in the above terms with no order as to costs.

Let a copy of this order be communicated to the official respondents for information and compliance.

JUDGE