IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No.507/2019

DATE   ORDER WITH SIGNATURE(S) OF JUDGE(S)

Before: Mr. Justice Nazar Akbar

Petitioner: Adnan Tahir, through
Mr. Sajid Hussain Awan, Advocate.

Respondent No.1:   Mst. Laiba Khan through
Mr. Shams-ul-Hadi, Advocate.

Respondent No.2:   The Family Judge Malir, Karachi.

Respondent No.3:   The V-Addl. District & Session Judge, Malir, Karachi.

Date of hearing: **22.01.2020**

Date of Judgment :   **03.02.2020**

JUDGMENT

NAZAR AKBAR, J. The petitioner through this constitutional petition has challenged the order of the Family Judge in Family Suit **No.698/2013** whereby his application to reopen the side for leading evidence has been dismissed by the trial Court by order dated **09.1.2018** and appeal preferred by the petitioner bearing Family Appeal **No.07/2017** has also been dismissed by order dated **17.01.2019** by the Vth Addl. District & Session Judge Malir, Karachi. The petitioner has impugned the two orders and kept on taking dates. On the last date of hearing i.e. **22.01.2020** when the counsel were again unable to argue the matter properly one week time was granted to the petitioner as well as to the counsel for the respondent to file written arguments. The counsel have filed written arguments, and I have perused the same. Be that as it may, I have gone through the file even on merit no case is made to invoke the

constitutional jurisdiction in the findings of the two Courts below. The application for reopening of the side has been dismissed on the ground that by the date when the said application was filed by the petitioner in Family Suit **No.698/2013** the judgment and decree has already been passed. It goes without saying no lis was pending before the Family Judge at the time of filing application for reopening of the side of petitioner for evidence was filed, therefore, it was dismissed and it has rightly been upheld by the appellate Court.

In view of the above, this petition is dismissed having no merits.

<div align="right">JUDGE</div>

Karachi
Dated: **03.02.2020**

SM