

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No.508/2019

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 dismissal of G&W Application **No.50/2017** by Family Judge Malir, Karachi by order dated **17.01.2017** and the said order has been upheld by the Vth Addl. District & Session Judge Malir Karachi in G&W Appeal **No.06/2017**. The perusal of these two orders clearly suggest that G&W Application **No.50/2017** has been filed in respect of the child whose case of the custody has already been decided between the parties when the Family Judge by a consolidated judgment has decided Family Suit **No.698/2013** and G&W Application No.**42/2017**. The petitioner has not challenged the said order and after four years he has filed G&W Application No.50/2017 which was clearly hit by resjudicata. Both the Courts below have dismissed the IInd G&W Application on the question of

resjudicata, which has not answered by the learned counsel.
Therefore, this petition is dismissed having no merits.

Karachi
Dated: **03.02.2020**

JUDGE

SM