

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP No.S-492 of 2019

Date	Order with signature of Judge
------	-------------------------------

For orders as to maintainability

29.01.2020

Mr. Ashfaq Ahmed Shah, advocate for the petitioner.
Mr. Zulfiqar Ali Shah, advocate for Respondent No.1.

-.-.-.-

It has come on the record that there has been some serious lapses on the part of the trial Court in deciding the case on a date on which learned counsel for the petitioner was not there and still order sheets says that arguments of the learned counsel were heard. Be that as it may, the absence of the parties does not mean that the Court is supposed to decide the case without recording of evidence, there is no record in the evidence file, which justify the claim raised by the respondent in the name of dowery articles. The petitioner has pointed out that cost/price of one bed sheet has been shown as **Rs.50,000/-**. In view of the above facts it appears to be case of misreading of evidence, this case is remanded to Court of Family Judge-II Karachi East subject to payment of **Rs.1,50,000/-** towards initial payment of maintenance in the trial Court by the petitioner. The petitioner is directed to file written statement on or before **08.02.2020**. If written statement is not filed this order will be recalled and the earlier decree will be intact. Not only this that it should be filed, the counsel for the petitioner shall not be allowed to seek any adjournment by the trial Court. Even if counsel is to be changed by the petitioner which is practice that when case comes to the conclusion the parties says the lawyer is not coming therefore, they want to change. Even in that situation adjournment shall not be granted and on the basis of whatever record is available matter will

be decided by the trial Court. However, trial Court is warned to be very careful in keeping the record of presence and absence of the counsel and the parties.

With this above observation, this petition is disposed of. Trial Court should finish the case within three months from the date of filing of the written statement.

JUDGE

SM