

IN THE HIGH COURT OF SINDH AT KARACHI

Before:
Ahmed Ali M. Shaikh, CJ
Yousuf Ali Sayeed, J

CP No.D-7032 of 2021

Mirza Ishtiaq Baig Versus Federation of Pakistan and others

Fresh case

1. For orders on Misc. No.30633/2021 (urgent application)
2. For orders on office objection No.12 and 13.
3. For orders on Misc. No.30634/2021 (exemption)
4. For orders on Misc. No.30635/2021(stay)
5. For hearing of main case.

03.12.2021

Barrister Ali Tahir for the petitioner.

ORDER

AHMED ALI M. SHAIKH, CJ.- Through instant petition, petitioner has invoked the Extra-Ordinary Constitutional Jurisdiction of this Court, inter alia, seeking revocation/cancellation of the Divorce Certificate purportedly issued by the Respondent No.4, Secretary Union Council No.1, Bhutta Village, Keamari Town, Karachi, in March, 2008.

2. Petitioner claims that the impugned divorce deed issued by the Respondent No.2 and recorded by the Respondent No.3, eight years after the death of his wife Miss Nazia Hassan, is based on malafide and was a practice of wide spread forgery, bribery besides an attempt to extort money from him. From pleadings it also appears that the petitioner is lawful wedded husband of late Miss Nazia Hasan, died in the year 2000 in London, England. The petitioner ran pillar to post to get the alleged divorce certificate cancel but all in vain.

3. We have heard the learned counsel for the petitioner and perused the material available on record. In Paragraph No.14 of the memo of Petition petitioner pleaded that:-

“14. The entire episode of illegal divorce certificate was on the basis of bribery and in an attempt to extort money from the petitioner, for which case the petitioner has already filed Suit for permanent injunction and damages bearing Suit # 1961/2021 in the Honorable High Court of Sindh, and the Honorable Court was pleaded to pass an interim order in favour of the petitioner.”

However, the petitioner has not set out any material particular of the fact of alleged bribery, forgery or who was instrumental therein. Even otherwise, the factual controversy raised in the petition cannot be looked into in exercise of Constitutional Jurisdiction, thus, while granting the misc. application seeking urgent hearing, the petition, bereft of necessary foundation, is dismissed accordingly alongwith pending matters leaving the petitioner at liberty to avail remedy before the competent forum, if so advised.

Chief Justice

Judge