

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP No.D-4813 of 2021

For hearing of main case.

25.08.2021.

M/s Muhammad Hanif and Muhammad Aslam, Advocate for petitioner
Nurul Amin

Mr. Khaleeq Ahmed, DAG alongwith DSP Ayaz Ahmed, Foreigners
Registration Office, Special Branch, Karachi, DSP Raza Mian Legal Branch
IGP Office, SIP Tanzeel Rasool FIA, Karachi and SIP Rasheed Ahmed,
Foreigners Registration Office, Karachi.

Mr. Khaleeq Ahmed, DAG duly assisted by DSP Ayaz Ahmed, Foreigners
Registration Office/Special Branch, Karachi, submits that the petitioner will be
allowed to travel to his native country Bangladesh subject to fulfilment of following
two conditions:-

- a. Petitioner will approach the Ministry of Interior, Government of Pakistan
and NADRA for cancellation of his passport and CNIC; and
- b. Verification of petitioner's criminal record.

Learned counsel for the petitioner does not oppose the above proposition and
undertakes that the petitioner will approach the concerned authority for cancellation
of his passport and CNIC within three (03) working days from today. Order
accordingly.

Petition stands disposed of in above terms.

Judge

Chief Justice

For hearing of main case
(Comments received from Family Judge, Karachi South, flagged)

09.08.2021

Mr. Raheel Nafees Siddiqui, Advocate for applicant.
Ms. Farida Motan, Advocate for Respondent

Through instant application, applicant Naveed Ulfat Khan seeks transfer of Family Suit No.1892 of 2020 filed by the respondent Hira Sagheer and others seeking recovery of maintenance and dowry amount, from the files of Family Judge, Karachi South to any other Court of competent jurisdiction.

Learned counsel for the applicant submits that he has no hope of fair and impartial justice from the trial Court in as much as the trial Court vide order dated 13.2.2021 without hearing him has decided an application under Section 17-A of the Family Courts Act, 1964. He further submits that she is not entertaining his adjournment applications and using harsh language.

Conversely, learned counsel for the respondent submits that the instant transfer application is liable to be dismissed as the impugned order dated 13.02.2021 and order dated 22.02.2021 was passed after hearing both the learned counsel. She further submits that the applicant instead of complying with the order dated 22.02.2021 passed on an application under Section 17-A(i) of the Family Courts Act has preferred to file the instant application just to prolong and drag the proceedings further.

Heard learned counsel for the parties and perused the material available on record. The contention of the learned counsel for the applicant that the trial Court without hearing him has decided an Application under Section 17-A(i) for interim maintenance, seems to be misconceived. From the copy of the order dated 22.02.2021, available at page 37 of the file, it seems that the order allowing interim maintenance to the respondents was passed after hearing both sides. Moreover, the comments dated 13.07.2021 received from the trial Court further reveals that arguments on application seeking interim maintenance were heard twice i.e. on 13.02.2021 and 22.02.2021 while at times adjournment applications submitted by the learned counsel for the applicant were also granted. In the circumstances, instant application is dismissed; however, the trial Court is directed to expedite the proceedings and ensure its conclusion preferably within three months from the date of communication of this order under fortnightly compliance report through MIT II of this Court.

Chief Justice