

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.S-311 of 2023

C.P. No.S-312 of 2023

Date	Order with signature of Judge
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C.P. No.S-311 of 2023

1. For hearing of CMA No.2465/2023
2. For hearing of main case

C.P. No.S-312 of 2023

1. For hearing of CMA No.2467/2023
2. For hearing of main case

12.05.2023

M/s. Zameer Ahmede Bhutto and Ghulam Mustafa., advocates for the petitioner in both the petitions

M/s. Ayaz Ahmed Ansari and Salman Sabir, advocates for respondent in both the petitions

Counsel for the petitioner and the respondent in both the petitions agree that the issue at hand is of whether a Compact Disc containing evidence relevant to the lis could be produced as evidence in G&W Application No.328 of 2020? The same Compact Disc at some time during the course of the proceedings was produced by the petitioner by way of a statement for verification and forensic purposes and not by way of evidence. Both the Counsels agree that as the affidavit in evidence of the petitioner in G&W Application No.328 of 2020 has been filed but as evidence has yet not been led by the petitioner, applicant may be given a right to withdraw his current affidavit evidence and re-file his affidavit in evidence in which he can produce the Compact Disc subject to the laws of evidence and procedure of family Courts.

I see no impediment or harm that can cause to either party if the request is allowed and direct that the applicant in G&W Application No.328

of 2020 is permitted to withdraw his earlier affidavit in evidence and to re-file his affidavit in evidence within a period of fourteen days from the date of this order and thereafter the Family Court may proceed for cross examination according to law.

With these observations and directions, both these petitions are disposed of along with the pending applications. The family Court is directed to proceed with the matter and decide it expeditiously preferably within a period of four months.

Office is directed to place a copy of this order in the connected matter.

J U D G E