

ORDER SHEET
THE HIGH COURT OF SINDH, KARACHI
CTA No. 59 of 2022

Dated: Order with signature of Judge(s)

- 1.For hearing of CMA No.5854/2022.
- 2.For hearing of Main Case.

05.05.2023:-

Mr. Maroof Hussain Hashmi, Advocate for
the Applicant.
Mr. Zahid Ali, Advocate for the Respondent.

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The Applicant has filed this Transfer Application in respect of Family Suit No.1646 of 2022 being a Suit for Dissolution of Marriage by way of Khula and which is pending before the Vth Family Judge Karachi (West). It seems that the sole ground that has been agitated by the Applicant is that the Respondent No.1 has mis-stated her address to bring the case within the jurisdiction of Vth Family Judge Karachi (West), in this regard he moved an application which is available at page 33 of the file and which he informed the Court was dismissed and against which neither appeal nor petition has been preferred. In this application being a Transfer Application, I cannot sit on appeal over the issue of jurisdiction and it is for the applicant to choose his own remedy as to whether to file an appeal or petition or not. Be that as it may, this ground is not maintainable as this issue has already been decided and the applicant has a remedy which he has not availed and which has also attained finality. Such a ground cannot now be availed in this transfer application and on account of which this Transfer Application is dismissed.

JUDGE

