

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.S-454 of 2023

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DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on MA-1614/23
2. For orders on office objection
3. For orders on MA-1615/2023
4. For orders on MA-1616/2023
4. For hearing of main case.

**23.10.2023**

M/s. Irfan Ahmed Qureshi and Ms. Noreen Shaikh, advocates for petitioner.

1. Granted.

2,3,4&5. Office has raised objection as to maintainability of this petition as to how interlocutory orders passed under section 17-A of the West Pakistan Family Court Act, 1964 be challenged in a writ petition. The only response is articulated by the learned counsel that since no efficacious remedy is available the petition is maintainable.

The superior courts have consistently disapproved of the practice of assailing interlocutory applications in the constitutional jurisdiction<sup>1</sup>. In the present context the applicable law has been aptly enunciated in *Khalid Mehmood vs. Judge Family Court, Faisalabad & Another*, reported as 2010 YLR 336, that the law does not provide any provision of appeal or revision in respect of interlocutory orders under the family laws. However, an aggrieved person would have an opportunity to seek remedy if and when a final decision has been delivered.

In view of the foregoing, no case is made out to entertain this petition, hence, the same, along with pending application, is dismissed *in limine*.

JUDGE

Ahmed/Pa,

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<sup>1</sup> *Syed Saghir Ahmed Naqvi v. Province of Sindh through Chief Secretary S&GAD, Karachi and others* (1996 SCMR 1165); *Mohtarma Benazir Bhutt v. The State* (1999 SCMR 1447); *Mushtaq Hussain Bukhari v. the State* 1991 SCMR 2136; *Muhammad Baran and others v. Member (Settlement & Rehabilitation) Board of Revenue, Punjab and others*, reported as PLD 1991 Supreme Court 691.