

ORDER SHEET

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Const. Petition No. S-76 of 2022**

Date of hearing	Order with signature of Judge
-----------------	-------------------------------

For hearing of main case.

Petitioner : Subhanullah son of Ali Nawaz Shaikh

Versus

Respondents: 1. Mst. Rukhsana Khatoon D/O Haji Naimatullah
alias Sher Muhamamd Shaikh,
2. Ahsanullah S/O Atta Muhammad Shaikh,
3. Moulana Asadullah S/O Ubedullah Mememon

23.10.2023.

Mr. Sikandar Ali Junejo, Advocate for petitioner.

-.-.-

YOUSUF ALI SAYEED, J. The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution seeking to impugn the judgment of the Model Civil Appellate Court/Additional District Judge-II Sukkur dated 26.01.2022, dismissing Appeal No. 11 of 2021 preferred by him against the earlier dismissal of Family Suit No.40 of 2018 filed by him in the Court of the Family Judge Sukkur.

2. Succinctly stated, the underlying Suit purported to be one for jactitation of marriage, but was one where the Petitioner had *inter alia* sought a declaration that the marriage of the Respondents Nos 1 and 2 was illegal as the the Respondent No.1 remained married to him.

3. A perusal of the Judgments rendered by the *fora* below reflects that the aspect of the Respondent Nos.1 divorce from the Petitioner was properly considered and duly answered; with there being no apparent error or perversity in the findings recorded in that regard. Indeed, when called upon to point out any such defect, learned counsel for the Petitioner was found wanting and remained at a loss to do so.

4. Under such circumstances, the Petition is found to be devoid of force and stands dismissed accordingly.

JUDGE

Irfan/PA