

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.S-538 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders on office objection  
For hearing of main case

31.10.2023

Mr. Wali Khan Advocate for Petitioner.

The present petition assails successive judgments rendered in the family jurisdiction and at the very outset, learned counsel is queried as to whether there is any jurisdictional defect in the judgments impugned. It is unequivocally stated that there is no jurisdictional defect in the judgments impugned, however, the evidence has not been appreciated in its proper perspective.

The judgments appear to have rested the respective conclusions upon detailed appreciation of evidence and no infirmity in such regard could be demonstrated. Learned counsel also remained unable to show that the conclusions drawn by the respective forums could not be rested on the rationale relied upon. The matter has been conclusively determined and per statute, finality is attached to the appellate order referred to supra.

This petition *prima facie* unjustifiably assails the concurrent findings of the statutory hierarchy in the writ jurisdiction of this Court; the same has been disapproved by the Supreme Court in *Hamad Hasan*<sup>1</sup> and earlier similar views were also expounded in *Arif Fareed*<sup>2</sup>. Therefore, in *mutatis mutandis* application of the reasoning and ratio illumined, this petition is found to be misconceived, hence, dismissed with listed application.

Judge

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<sup>1</sup>Per Ayesha A. Malik J in *M. Hamad Hassan vs. Mst. Isma Bukhari & Others* reported as 2023 SCMR 1434.

<sup>2</sup>Per Amin ud Din Ahmed J in *Arif Fareed vs. Bibi Sara & Others* reported as 2023 SCMR 413.