

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

C.P No.S-903 of 2023

Order with signature of Judge(s)

Hearing/priority case

1. For orders on office objection and reply of the counsel
2. For hearing of MA No.6502/2023
3. For hearing of main case

15.03.2024

None present

Justice Zulfiqar Ahmad Khan:- The present petition makes 5th attempt of the petitioner to deprive the respondent of her legal rights and to restrain her from enjoying the fruits of the decree passed by the trial Court in the first instance. No one is present for the petitioner. I have taken the liberty to examine the impugned judgment dated 25.08.2023 passed by VIth Additional District Judge, Karachi Central, where the litigation between the parties started by filing a suit for dissolution of marriage by way of Khulla and return of dowry articles. Upon filing of the suit, the defendant husband effected appearance and filed written statement, wherein he denied the allegations of the plaintiff. He further stated that he had also filed his suit for restitution of conjugal rights, which was dismissed in the trial Court of the first instance. Pre-trial proceedings took place, which failed, eventually the marriage between the parties dissolved by way of Khulla. As payment of dower amount was disputed between the parties, the Court framed certain issues in this regard and the learned trial Court after evaluating the evidence decreed the suit in favour of the respondent wife.

Being aggrieved, Respondent No.1 preferred FRA, which was allowed and matter was remanded back to the family court to decide the issue of dowry articles. The said family court after re-examining Respondent No.1 decreed the suit, to which petitioner filed application

under Section 12(2) CPC, which was dismissed. Again, the petitioner filed the family appeal, which was also dismissed through the impugned order by assigning detailed reasons.

I in the circumstances, see that the very purpose of filing this petition is to linger on litigation between the parties, which seemingly started in the year 2019 and till date execution proceedings have not culminated. Matter was last taken up on 18.10.2023 when notice was directed to be issued to the respondent, where *in fact* notice could not be delivered to the respondent lady as address was wrongly given. Thereafter, no efforts have been made to have the matter heard. In the circumstances, the instant petition is dismissed.

JUDGE

B-K Soomro