

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P No.S-1366 of 2023

Order with signature of Judge(s)

Hearing of case (priority)

1. For orders on office objection
2. For hearing of CMA No.9947/2023
3. For hearing of main case

28.03.2024

Ms. Naheed Akhtar Bhatti, Advocate for the petitioner
Mr. Wali Muhammad Soomro, Advocate for Respondent No.2
Mr. Rafiq Ahmed Rajorvi, Additional Advocate General

Justice Zulfiqar Ahmad Khan:- The petitioner approached this Court with the grievance that the trial court pronounced *Khulla* vide order dated 28.11.2023 in Family Suit No.1036 of 2023 without giving the petitioner (husband) a sufficient opportunity of reconciliation in pre-trial proceedings. No appeal was filed against that order rather this constitutional petition was filed as such.

When the notices were issued in this matter, Respondent No.2 was called to appear in person and the order dated 07.02.2024 reflects that she declined to accompany the petitioner or reconcile her disputes, she flatly refused to continue with the marriage. Whereafter, both the parties were given opportunity to seek counseling, where per learned counsel for the petitioner, while the petitioner went for counseling however the respondent did not show up for counseling.

Learned counsel for Respondent No.2 states that the respondent has no affinity and he states that she went to trauma through this 13 years long wedding out of which two children were born.

I in these circumstances, cannot let this constitutional petition as mean to deter the rights of the respondent lady, who has all legal rights to seek *Khulla* in accordance with law, if she does not want to live with

the petitioner. In the circumstances, what the petitioner desires cannot be achieved through this constitutional petition as the respondent cannot be chained to the petitioner, meaning thereby I have no option except to dismiss this petition, which is accordingly dismissed.

JUDGE

B-K Soomro