

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
C.P.No. S - 28 of 2024.

- 1.For orders on CMA 96/2024.
 - 2.For orders on o/obj.at Flag.A.
 - 3.For orders on CMA 97/2024.
 - 4.For orders on CMA 98/2024.
 - 5.For Hearing of main case.
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04.03.2024.

Mr.Zulifqar Ali Laghari Advocate for petitioner.

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1. Granted.

2 to 5. Through this petition, the petitioners have called in question the order dated 23.12.2023 passed by the Court of learned Additional District Judge-III, Khairpur in Family Appeal No. 39 of 2023 filed by the respondent No.1 Aala Hussain Abbasi whereby while dismissing the appeal modified the order dated 03.05.2021 passed by the Court of learned Civil Judge & Family Judge, Khairpur in Family Suit No.200 of 2021 filed by the petitioners, by issuing directions to the Medical Superintendent, KMC Civil Hospital, Khairpur to get samples of parties for sending the same to the concerned Laboratory for it's opinion and report. The cost of DNA Test would be paid by the respondent No.1.

The only contention of the learned counsel for the petitioners that the petitioner No.1 Mst.Parveen Begum is ready for DNA Test; however same be conducted from Laboratories of Punjab instead of KMC Civil Hospital, Khairpur.

The perusal of the order reflects that before the Family Court the respondent No.1 has agreed for conducting DNA Test of the minor but the petitioner Mst.Parveen raised objection and after going through the material, Family Court passed the order for conducting DNA test. Said order was assailed by the respondent No.1 Aala Hussain Abbasi in Appeal No.39/2023, which was dismissed vide order dated 23.12.2023. Instead of challenging the aforesaid order of the learned appellate Court by the respondent No.1 Aala Hussain Abbasi, who is aggrieved by the aforesaid order, the instant petition has been filed by the

petitioner Mst.Parveen, who has already given consent for DNA Test. In such circumstances when the petitioner Mst.Parveen herself has given consent for conducting DNA Test, therefore no case for setting aside the order dated 23.12.2023 passed by the learned appellate Court so also order dated 03.05.2023 passed by the learned Civil Judge & Family Judge, Khairpur, is made out. Consequently, the instant petition being devoid of merits, is dismissed in **limine** alongwith the listed applications.

JUDGE

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