

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

C.P. No. S — 318 of 2024

DATE

ORDER WITH SIGNATURE OF JUDGE

18.10.2024.

FOR ORDERS ON OFFICE OBJECTION.
FOR HEARING OF MAIN CASE.

Mr. Jahanzeb alias Jansher Memon Advocate for Petitioner.
Ms Shabana Qureshi Advocate for Respondent.

This Petition has been filed under Article 199 of the Constitution against the order dated 12.03.2023, rendered by the Family Judge, Tando Muhammad Khan allowing Execution Application No.20 of 2023, arising out of Family Suit No.124 of 2022, where a compromise Decree was entered on 28.11.2022.

Learned Counsel for the Petitioner has sought to contend that a compromise decree is not executable in terms of the Judgment of the Supreme Court in the case reported as PIR DIL and others v. DAD MUHAMMAD 2009 SCMR 1268. Conversely, Learned Counsel appearing on behalf of the Respondent has impugned the maintainability of the Petition.

Having considered the matter, the Petition is found to be misconceived as the Judgment cited is not authority for the proposition that a compromise decree cannot be executed, but is in fact authority for the proposition that a fresh suit can also be filed on the basis of such a decree in appropriate cases.

The Petition stands dismissed in the above terms.

JUDGE

A.