

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

C.P.No.S-1199 of 2024

15.1.2025

Mr. Basim Ali Dahri, advocate for the petitioner.

Mr. Syed Mustafa Mehdi, advocate for Respondent No.2.

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ORDER

MUHAMMAD IQBAL KALHORO J:- It appears that in guardian and wards application No.1412 of 2024 pending between the parties, petitioner raised question of maintainability on the ground that similar proceedings are pending in a court in U.K. that question has been decided through the impugned order holding that the address of minors on record is within Pakistan which falls within the jurisdiction of the court and there is no evidence in so far as address of the minors in England is concerned.

2. During hearing, it has transpired that petitioner did not file any application and record of the proceedings of the case pending in U.K. and had verbally raised question of maintainability of the case. Hence, he seeks direction to withdraw this petition and file a proper application before the Family Court in above guardian and wards application questioning maintainability of the very application, with the direction to the Family Court to decide the same first before proceedings on merits of the case. This proposal has not been opposed by the other side.

2. Accordingly, this petition being withdrawn is dismissed. Petitioner would be at liberty to raise a question on maintainability of the guardian and wards application in black and white before the trial court and if such application is filed, the same shall be decided first by the trial court before proceeding further in the trial on merits.

3. This petition is disposed of.

JUDGE

Hafiz