

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**
C.P.No.S-711 of 2015.

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For order on M.A. No.10055 of 2015.
2. For order on M.A. No.8054 of 2015.
3. For order on M.A. No.8055 of 2015.
4. For katcha peshi.
5. For order on M.A. No.8056 of 2015.

30.09.2015.

Mr. Faiz Muhammad Laghari, Advocate for the petitioner.
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Through the instant petition, the petitioner has challenged the judgment and decree dated 18.06.2015 and 22.06.2015, respectively, passed by the learned Ist. Additional District Judge, Dadu in Family Appeal No.11/2014, whereby the family appeal filed by the petitioner was dismissed and the judgment and decree dated 14.10.2014 and 18.10.2014, respectively, passed by the learned Ist. Family Judge, Dadu decreeing the family suit No.132/2013, filed by the respondent, were maintained.

2. Facts of the case, in brief, are that defendant/petitioner and plaintiff/respondent with the consent of their parents contracted marriage on 19.03.2012 and from the said wedlock plaintiff/respondent gave birth to baby Bisma and on birth of the said female child the defendant/petitioner became annoyed and as a result of which started quarreling on petty matters. Thereafter, when plaintiff/respondent was present in her parents' house she received divorce deed from defendant/petitioner containing immoral and false allegations of giving birth to illegitimate baby Bisma after six months of their marriage. Thereafter, plaintiff/respondent filed family suit No.132/2013 for maintenance of baby Bisma as well as recovery of dowry articles, which

was decreed vide judgment 14.10.2014. The defendant/petitioner being aggrieved with such judgment filed Family Appeal No.11/2014, which was dismissed by judgment dated 18.06.2015, which is impugned in this petition.

3. Learned counsel for the petitioner contended that the impugned judgments passed by the Court below are against the law, facts and natural justice and are liable to be set aside; that both the Courts below have passed the judgments in a hasty manner; that the trial as well as appellate Courts have failed to exercise the jurisdiction vested in them in accordance with law; that after giving birth to an illegitimate child the petitioner called the mother, father and brother of the respondent for some faisla about the said illegitimate child, who reached in evening time and after inquiring the facts from the respondent they became annoyed and managed a Toyota pickup and after loading the dower articles of the respondent they went away alongwith the respondent; that the impugned judgments suffer from illegalities, conjectures and surmises and are liable to be set aside.

4. Heard the learned counsel and perused the record. The instant petition has been filed against the concurrent findings of two Courts below; the family suit filed by the respondent was decreed after recording the evidence and hearing both parties and the petitioner has challenged the said judgment by filing family appeal No.11/2014 and the same was dismissed by the appellate Court; that apparently both the Courts below have appreciated the evidence and record judiciously and recorded findings in accordance with law; that no misreading or non-reading of evidence has been pointed out by the learned counsel for the petitioner; that the judgment passed by the family Court as well as impugned judgment are well reasoned and delivered after considering all evidence and documents available on record; that petitioner by filing family appeal

has availed the remedy available to him in accordance with law. Second appeal against the findings of family Court is not provided in the statute; that remedy of filing first appeal has been availed by the petitioner. Therefore, the impugned judgment is sustainable in law and the instant petition is not maintainable and liable to be dismissed having no merits for consideration.

Above are the reasons of short order dated 29.09.2015, whereby the instant petition was dismissed alongwith listed applications.

JUDGE

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