

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

**CP No.S-106 of 2026
(Zaheer-ud-Din Ali v Mst. Madiha Naheed)**

DATE	ORDER WITH SIGNATURE OF JUDGE
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Before:-
Mr. Justice Adnan-ul-Karim Memon

Date of hearing and order:- 16.03.2026

Mr. Zaheer-ud-Din Ali, petitioner, present in person.
Mr. Mohsin Ali, advocate for the respondent, along with Mst. Madiha Naheed.
Mr. Ali Safdar Depar, AAG.

ORDER

Adnan-ul-Karim Memon, J.- Through this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the Petitioner is seeking the following relief(s):

- a) Set aside the illegal framing of issues, adverse orders and proceedings conducted by the Trial Court in excess of jurisdiction; (aldendt 23/8/25).
- b) Declare that the impugned proceedings suffer from material illegality, procedural impropriety, and violation of Article 10-A of the Constitution;
- c) Direct framing of fresh and lawful issues strictly confined to the suit for restitution of conjugal rights, after affording proper hearing to the parties;
- d) Order immediate provision of complete, true, and certified copies of the entire court record to the Petitioner;
- e) Pass such supervisory, corrective or appropriate directions as deemed just, proper and equitable in the circumstances of the case.”

2. It is the case of the petitioner that he filed Family Suit No. 1237 of 2025 before the Family Court West, Karachi, seeking restitution of conjugal rights. He submitted that despite the respondent-wife’s clear admissions and his unconditional willingness to resume matrimonial life, the Trial Court took a unilateral approach, diverting proceedings from the core issue. He claimed that the trial court obstructed his right to a fair trial, failed to frame proper issues strictly related to restitution, and passed adverse orders without recording evidence, violating Article 10-A of the Constitution. He also alleged concealment of material documents, including an important legal notice dated 31-10-2024, repeated refusal to provide certified copies, and disregard of his objections, amounting to denial of access to justice. He prayed to allow this petition.

3. Mst. Madiha Naheed present in Court did not dispute the petitioner’s willingness but emphasized that she would maintain his wife, without imposing any restrictions on her to meet with her parent as and when she feels necessary, however the petitioner agreed to the said terms but insists that there shall not be interference from his in-laws in their personal affairs.

4. I have heard the parties present in court and perused the material available on record.

5. The remedy of restitution of conjugal rights is recognized under the Family Courts Act, 1964, empowering Family Courts to adjudicate matrimonial disputes. Under Article 199, this Court exercises supervisory jurisdiction to ensure lower tribunals act within statutory authority and uphold fundamental rights, including the right to a fair trial under Article 10-A, which encompasses proper framing of issues, hearing, and access to records.

6. Mst. Madiha Naheed, present in Court, did not dispute the petitioner's willingness to restore matrimonial life and agreed to maintain the marriage, without imposing any restrictions on meeting her parents as she deems necessary. The petitioner consented to these terms, while insisting that there shall be no interference from his in-laws in their personal affairs.

7. In view of the mutual agreement of the parties, the petition along with pending application(s) is disposed of accordingly, with the direction that the petitioner shall maintain his wife and both parties shall respect each other's personal and familial boundaries. No further orders are warranted, and the Trial Court may close the proceedings in Family Suit No. 1237 of 2025 in accordance with this mutual understanding.

JUDGE

Shahzad Soomro