

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. S – 22 of 2025

C. P. No. S – 23 of 2025

(Babar Ali v. Mst. Sanam Sehto & another)

Date of hearing : 17.03.2025

Date of decision : 17.03.2025

Mr. Amir Ali Bhutto, Advocate holds brief for Mr. Jehanzeb Ali Dahri, Advocate for petitioner.

Mr. Munwar Hussain Memon, Advocate for respondent No.1.

Mr. Shahryar Imdad Awan, Assistant Advocate General Sindh.

ORDER

Zulfiqar Ahmad Khan, J. – By this common order, I intend to decide both petitions together, as they challenge the orders passed by learned Civil / Family Judge-II, Gambat in Family Suit No.07 of 2023.

2. In C. P. No. S-22 of 2025, the petitioner (defendant) seeks to overturn the trial Court's order dated 21.12.2024, which dismissed the petitioner's request to frame additional issues. On the other hand, in C. P. No. S-23 of 2025, he challenges the order of even date that rejected his request to recall and re-examine the plaintiff (respondent No.1).

3. It appears that the trial Court, while deciding both the applications, observed that the material issues in the case have already been framed, including the crucial issue of whether the plaintiff is entitled to *haq mahr*. The plaintiff and one of her witnesses have already deposed, while other plaintiff's witnesses are yet to be examined. The petitioner (defendant) sought to frame additional issues at an advanced stage of the trial and to recall the respondent (plaintiff) for re-examination after a lengthy cross-examination by his Counsel. The defendant's evidence has not been recorded yet, giving him full opportunity to present his defense later.

4. Although the parties should be given a fair chance to present their case, but Courts must prevent their delaying tactics. The petitioner had ample opportunity to raise any concerns earlier. Introducing new issues at

this late stage would only delay the proceedings without valid reason, particularly when the relevant issues have already been framed. The petitioner's request to re-examine the plaintiff is an attempt to strengthen his defense unnecessarily, causing delay. Courts must ensure that cases proceed efficiently, especially in family matters.

5. It is a well-established legal principle that the Court's process should not be misused by parties to delay proceedings or burden the opposing party unnecessarily. Seemingly, the petitioner's applications were attempts to delay the matter.

6. In view of above, this Court finds no merit in either of the petitions, therefore, the same are **dismissed** along with pending applications. The trial Court's orders dated 21.12.2024, dismissing the petitioner's applications for framing additional issues and recalling / re-examining the plaintiff, are upheld. The learned trial Court is directed to proceed with Family Suit without further delay and decide the same strictly in accordance with law, preferably within two months hereof.

Office to place a signed copy of this order in the captioned connected matter.

J U D G E

Abdul Basit