

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

C.P. No.S-278 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For hearing of MA No.2545/2024.
- 2. For hearing of main case.

21.08.2025

Mr. Muhammad Arif Jhandeer, Advocate for the petitioner.
Mr.Ali Ghulam Shar, Advocate for the respondent No.1.
Mr. Muhammad Sharif Solangi, A.A.G Sindh.

O R D E R

Amjad Ali Sahito, J:- Through the instant constitutional petition, the petitioner, Muhammad Shabir, has assailed the impugned Judgment dated 04.12.2024, rendered by the learned Additional District Judge, Khipro, in Family Appeal No.03 of 2024 [Re: Muhammad Shabir v. Mst. Sana], whereby the said appeal was dismissed. The appeal had been filed against the Judgment and Decree dated 30.09.2024, passed by the learned Civil/Family Judge, Khipro, in Family Suit No.34 of 2024 [Re: Mst. Sana v. Muhammad Shabir], through which the suit was decreed in favour of respondent No.1. Being aggrieved, the petitioner has approached this Court, seeking annulment of the impugned Judgments and Decree passed by the courts below.

2. At the very outset, a pointed query was put to the learned counsel for the petitioner as to whether any statutory remedy remains available to the petitioner after the filing of Family Appeal against the Judgment and Decree of the learned Family Court, and further, whether the extraordinary writ jurisdiction of this Court may be invoked as a substitute for an appeal, notwithstanding the fact that, under the Family Courts Act, 1964, an appeal against the Judgment and Decree of a Family Court attains finality. However, the learned counsel for the petitioner could not furnish a satisfactory response.

3. With respect to the submissions advanced by the learned counsel regarding the impugned Judgments and Decree, I am not

persuaded by his contentions. It is settled law that this Court, while exercising constitutional jurisdiction, may only interfere where the impugned orders have been passed without lawful authority or jurisdiction. In the present case, the Judgments and Decree in question were rendered by the courts below within their lawful authority and jurisdiction, hence they are immune from challenge under constitutional jurisdiction. Furthermore, the petitioner has already availed the statutory remedy of appeal, which stands concluded with finality, and therefore, the extraordinary writ jurisdiction cannot be invoked as a substitute remedy. To allow such a course would defeat the intent and purpose of the Legislature.

4. As regards the appreciation of evidence, it is trite law that the evaluation of evidence falls within the exclusive domain of the trial court, and thereafter the appellate court. Unless it is demonstrated that the findings are tainted with mala fides, arbitrariness, perversity, or are rendered in excess of jurisdiction, writ jurisdiction cannot be invoked merely to reappraise the evidence. No such defect has been pointed out in the present case to warrant interference by this Court.

5. In this regard, guidance may be drawn from the authoritative pronouncements of the ***Hon'ble Supreme Court of Pakistan in Arif Fareed v. Bibi Sara and others [2023 SCMR 413] and M. Hamad Hassan v. Mst. Isma Bukhari and others [2023 SCMR 1434]***.

6. For what has been discussed above, instant petition is **dismissed** in limini along with listed application(s).

JUDGE