

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
CP No.S-1015 of 2024
(*Aurangzeb v. Mst. Nasreen and another*)

Date	Order with signature(s) of Judge(s)
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1. For hearing of CMA No.7564/2024
2. For hearing of main case

24.11.2025

Mr. Muhammad Nawaz, advocate for the petitioner
Ms. Iram Rasheed, advocate for the respondent
Mr. Ali Zardari, AAG

Through the instant petitioner, the petitioner has called in question the judgment dated 30.07.2024 passed by the Court of learned VIIIth Additional District Judge, Karachi, East, (**appellate Court**) in Family Appeal No.89 of 2024, whereby the matter was remanded back to the learned trial Court for decision afresh after affording reasonable opportunities to the parties for right of hearing.

2. Learned counsel for the petitioner contended that the learned trial Court through a well-reasoned judgment decreed the Suit of the plaintiff to the extent of prayer clause except the house in question. He contends that there was no illegality in the impugned judgment passed by the learned trial Court, therefore, learned appellate Court was required to decide the matter on merits.

3. Learned counsel for the respondent submitted that in Clause No.16 of Nikahnama House of 56 marla at Islamabad was clearly mentioned and respondent was entitled to the same, which was not granted, therefore, the learned appellate Court remanded the matter back to the learned trial Court.

4. Heard and perused the material available on record.

5. The learned appellate Court has remanded back the matter to the learned trial Court on the ground that fresh judgment be passed after hearing the parties. Admittedly, once the appeal is duly instituted, the proceedings continue before the appellate forum, which is fully empowered to modify the judgment of learned trial Court and no ground was available to the appellate Court to remand the matter back to the learned trial Court. It is incumbent upon the learned appellate Court to decide the appeal afresh after appraisal of

evidence and material which were produced before it. Since the remand order was not passed in accordance with the law, therefore, this petition is *allowed* and the judgment dated 30.07.2024 is set aside. The Appeal No.89 of 2024 (re-Mst. Nasreen v. Aurangzeb) shall be deemed to be pending. The learned appellate Court is directed to decide the appeal on merits within a period of 30 days from the date of this order.

JUDGE

Nadir/PS