

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P No. S – 154 of 2025

Hearing of case

1. For orders on office objection at flag 'A'
2. For hearing of main case

02.02.2026

Mr. Abdul Sattar Mahessar, Advocate for the Petitioner
Mr. Muhammad Aslam Gadani, Advocate along with respondent
Mr. Shahryar Awan, Assistant Advocate General Sindh

ORDER

Through instant Constitutional Petition, the learned counsel appearing for the petitioner has impugned the Ex-parte judgment and decree dated 30.05.2025 passed by learned Family Judge and Judicial Magistrate, Khairpur Mirs in Family Suit No.49 of 2025.

It has been contended by learned counsel for the petitioner that he was not heard at trial and did not get opportunity to file his written statement. In this respect, he has contended that the matter be remanded back to the trial Court and he may be allowed to file his written statement.

I have perused the judgment dated 30.05.2025. Most specifically paragraph 3 of the noted judgment reveals that the petitioner was given repeated chances to file his written statement but failed to do so. Thereafter, he was debarred from filing his written statement. In this regard, he preferred an application U/o 9 rule 7 CPC, which again was dismissed by the trial Court. That order as conceded by the learned counsel was not impugned, therefore, it attained finality. In this regard, I see no case of interference as the "khulla" was granted on 30.05.2025 and remanding the case back to the trial Court will only delay inevitable. The respondent No.1, who is present in Court, reiterated her stance that she does not wish to live with the petitioner.

In the light of above, the instant petition is without merits, therefore, is hereby dismissed.

Judge