IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Constitutional Petition No.S-195 of 2026

Petitioner:	Abaan son of Muhammad Younas, Through Mr. Rao Faisal Ali.
Respondent No.2:	Through Mr. Muhammad Asif Zai advocate
	Mr. Ghulamullah Memon Additional A.G.
Date of Hearing:	26.10.2026
Date of Order:	26.10.2026

O R D E R

Nisar Ahmed Bhanbhro, J: This petition is directed against the order dated 17.08.2026 passed by the learned Additional Sessions Judge-II/MCAC, Mirpurkhas in Civil Revision Application No.47/2026 and order dated 18.05.2026 passed by the learned Civil Judge/Judicial Magistrate/MTMC, Mirpurkhas in Family Suit No.67/2025 whereby application seeking reversal of the order dated 16.07.2026 was set aside.

2. Learned counsel for the petitioner contends that impugned orders are illegal, arbitrary, contrary to law and the principles of natural justice. He contended that learned trial Court erred in closing the petitioner's right of cross-examination merely because the learned counsel was repeatedly absent, without considering that such absence may have been due to unavoidable personal circumstances and did not amount to abandonment of petitioner's defense. He contended that right of cross-examination was material in the present case and financial claim raised by respondent No.2/petitioner is seriously disputed by the petitioner and required proper confrontation and testing during cross-examination. He contended that learned revisional court failed to examine the substantial grievance of the

petitioner and dismissed the revision principally on a technical objection regarding non-annexation of the order dated 16.07.2026 despite the relevant judicial record being available before it. He contended that learned Courts below failed to balance expeditious disposal of the family suit with petitioner's right to a fair and meaningful opportunity to defend himself and challenge the evidence produced by the respondent No.2/plaintiff. He contended that impugned orders are misreading and non-reading of material facts and have result of serious prejudice and mis-carriage of justice and prayed for set aside.

3. Learned counsel for the respondents opposed for grant of this petition. Learned A.A.G supported the petition and submitted that cross-examination is right of the parties which cannot be denied in ordinary circumstances.

4. Heard learned counsel for the parties as well as learned A.A.G and perused the material available on record. Since the matter for cross-examination was fixed since 18.05.2026 and learned trial Court closed the side of the defendant on failure to cross-examine; however, no plausible reasons have been given in this regard. This petition is allowed and the impugned order dated 17.08.2026 passed by the learned Additional Sessions Judge-II/MCAC, Mirpurkhas and order dated 18.05.2026 passed by the learned Civil Judge/Judicial Magistrate/MTMC, Mirpurkhas are hereby set aside. The petitioner shall be afforded an opportunity of cross-examination the plaintiff and her witnesses before trial Court. In case the defendant fails to cross-examine the witnesses, he shall be dealt by imposing cost on each date of hearing. Office is directed to send copy of this order to learned trial Court information & compliance.

It is expected that learned trial Court shall decide the matter expeditiously in accordance with law.

5. The petition stands disposed of in the above terms.

JUDGE

"Chander Kumar"