

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P.No.S-491 of 2026

Mst.Shezray Haq.....v/s.....Faizan Tariq

DATE

ORDER WITH SIGNATURE(S) OF JUDGE(S)

- 1.For hearing of CMA No.3518/2026
2.For hearing of main case.

03-08-2026

Mr.Naeem Suleman, Advocate for the Petitioner.
Mr.Muhammad Junaid, Advocate for the Respondent.No.1

Mr.Muhammad Junaid, Advocate has filed Vakalatnama on behalf of the Respondent.No.1, which is taken on record.

2. This petition has been directed against the order dated 20.04.2026 passed by the learned XIXth Family Judge, Karachi in Family Suit No.844 of 2025 (Mst.Shezray Haq.....v.....Faizan Tariq), wherein an application for rejection of the counter claim of the respondent was declined.

3. Per learned counsel for the petitioner the defendant/respondent cannot claim property which does not belong to him under the family proceedings. Learned counsel for the respondent controverted the submissions of the petitioner's counsel and contends that the claim can be made under family laws.

4. Heard arguments and perused the material available on record. Under Schedule to Section 5 of the Family Courts Act, 1964, the cases to be decided by a Family Court are listed below:-

**“Schedule
(See Section 5)
{Part I}**

1. **Dissolution of Marriage [including Khula]**
2. **Dower.**
3. **Maintenance.**
4. **Restitution of Conjugal rights.**
5. **Custody of children [and the visitation rights of parents to meet them]**
6. **Guardianship.**
7. **Jactitation of marriage.**
8. **Dower.**
9. **Personal property and belonging of a wife.”**

5. In the present case the respondent made a counter claim regarding property of other family members, which are not part of the family of the petitioner, therefore, such claim cannot be raised in the family suit. Reliance is placed in this regard on the case of **(Muhammad Zahid Siddique.....v.....Mst.Seema Naz & others) reported in 2014 CLC 1421**, wherein this Court has held as under:-

“9. Worth to add here that the item No.9 mentioned in the Schedule (Part-I) of the West Pakistan Family Courts Act, 1964 would show that legislature has deliberately and intentionally confined the jurisdiction of the Family Court in respect of item No.9 by deliberate mentioning of the words 'a wife' therefore, this has to be read as such else the legislature would not have confined it by the words 'a wife' or would have added something to give jurisdiction with Family Court (s) in respect of claims of 'a husband' regarding his personal property and belonging. This also goes to suggest that a husband has no right to file a suit under item No.9 of the Schedule (Part-I) of the West Pakistan Family Courts Act, 1964.”

6. Since the respondent has raised a counter claim regarding the property of other family members, therefore, such counter claim cannot be adjudicated in the family suit.

7. In the given circumstances, this petition is granted and the order dated 20.04.2026 is set-aside. The trial Court is directed to proceed with the matter without rendering any findings as to the counter claim of the respondent. The respondent's family members are, however, at liberty to institute separate proceedings against the petitioner if so advised.

JUDGE