

IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No. S-485 of 2026

Wahaj Ahmed Siddiqui

Versus

Mst. Uzma Aziz

Date

Order with Signature of Judge(s)

Date of Hearing: **19.05.2026.**

Date of order: **19.05.2026.**

Mr. Muhammad Faisal Khan, Advocate for petitioner.

ORDER

ZULFIQAR ALI SANGI, J: Through this Constitutional Petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner has called in question the legality and propriety of order dated 16.04.2026 passed by the learned XVIth Judge, Family Court, Karachi Central, in Family Suit No.3457 of 2024, whereby the application filed by the respondent/plaintiff under Order VI Rule 17 read with Order I Rule 10 CPC was allowed and the newly born minor daughter of the parties was permitted to be impleaded as Plaintiff No.2, subject to the observations contained in the impugned order.

2. Learned counsel for the petitioner mainly contended that the learned Family Court failed to appreciate that the amendment application was founded upon a disputed birth certificate, which is already the subject matter of pending civil proceedings before the learned Senior Civil Judge, Karachi Central, wherein a status quo order has been passed. It was further argued that by allowing the impleadment of the minor in the name of "Noor Fatima a.k.a. Shafiya Siddiqui," the learned Family Court indirectly validated a disputed document and acted in violation of the injunction order passed by the Civil Court. Learned counsel further submitted that the impugned order suffers from material illegality, irregularity and judicial impropriety and is, therefore, liable to be set aside.

3. I have heard learned counsel for the petitioner and examined the material available on record with his able assistance.

4. At the very outset, it may be observed that the controversy involved in the present petition pertains to an interlocutory order passed by the learned Family Court in exercise of its procedural jurisdiction for the purpose of impleadment of a minor child born during pendency of the proceedings. It is a settled proposition of law that constitutional jurisdiction under Article 199 of the Constitution is discretionary in nature and ordinarily is not exercised against interlocutory or procedural orders unless the same are shown to be patently without jurisdiction, coram non judice, suffering from mala fide, or resulting in manifest miscarriage of justice.

5. Perusal of the impugned order reflects that the learned Family Court has duly considered the objections raised by the petitioner and has categorically observed that the controversy regarding the correct name and registration particulars of the minor is already subjudice before a competent Civil Court. The learned Family Court has further clarified in unequivocal terms that the impleadment of the minor shall remain subject to determination of her correct name and identity by the competent forum and that the impugned order shall not be construed as confirmation or validation of any particular birth certificate produced by either party. Admittedly, the birth of the minor out of the wedlock of the parties is not disputed. The learned Family Court was, therefore, justified in holding that the minor child, being prima facie entitled to maintenance and allied reliefs, is a necessary and proper party to the proceedings. The impleadment of the minor for adjudication of her welfare rights cannot be equated with judicial recognition or authentication of any disputed document, particularly when the Court itself has expressly protected the rights of the parties by making the impleadment subject to final determination by the competent Civil Court.

6. The contention of the petitioner that the impugned order amounts to violation of the status quo order passed in Civil Suit No.4683 of 2025 is also devoid of substance. A plain reading of the impugned order demonstrates that the learned Family Court has neither adjudicated upon the genuineness of the disputed birth

certificate nor granted any declaration regarding the identity of the minor. The order merely facilitates the impleadment of the minor child for the purposes of maintenance proceedings, which squarely fall within the exclusive jurisdiction of the Family Court. Consequently, no conflict or inconsistency is made out between the impugned order and the interim order passed by the Civil Court. Likewise, the objection regarding the previous dismissal of a similar application has rightly been addressed by the learned Family Court by observing that the earlier application was dismissed on technical grounds and liberty had already been granted to file a fresh application in accordance with law. No jurisdictional defect or material irregularity could be pointed out in such finding.

7. It is further well-settled that while exercising constitutional jurisdiction, this Court does not sit as a Court of appeal to reappraise findings on factual controversies or to substitute its own discretion for that exercised by the subordinate Court, particularly where the impugned order neither determines substantive rights of the parties finally nor causes irreparable prejudice to the petitioner. In the present matter, the learned Family Court has exercised its discretion judiciously and within the bounds of law while safeguarding the welfare interest of the minor child. No illegality, jurisdictional defect, misreading or non-reading of evidence, or material irregularity has been pointed out warranting interference by this Court in exercise of constitutional jurisdiction under Article 199 of the Constitution.

8. For the foregoing reasons, this petition being devoid of any merit is dismissed in limine along with pending application(s), if any. The impugned order dated 16.04.2026 passed by the learned XVIth Judge, Family Court, Karachi Central, is maintained.

JUDGE