

ORDER SHEET

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Constitution Petition No. S – 185 of 2026

[Sadam Hussain v. Mst. Shahneela and others]

For Petitioner	:	M/s Saifullah Soomro and Sanaullah Qazi, Advocates
Date of hearing	:	26.10.2026
Date of decision	:	26.10.2026

ORDER

Adnan Iqbal Chaudhry J.- Petitioner's application under Section 25 of the Guardian and Wards Act, 1890, for custody of the minor daughter was dismissed by the Family Judge Sukkur by order dated 02.02.2026 while retaining custody of the minor with the mother. The petitioner assailed that judgment by Guardian Appeal No.09 of 2026 before the Additional District Judge-II, Sukkur. By the impugned order dated 31.03.2026, that appeal was dismissed as time barred on the ground that the copy of the order appeal was not a certified copy but a copy obtained through the Case Flow Management System (CFMS) of the Court; and that, the certified copy that was subsequently filed by the petitioner was beyond the period of limitation prescribed for the appeal.

Learned counsel submits that though a digital copy obtained from the CFMS was as good as a certified copy, nonetheless no objection was taken by the Court to such copy while admitting the appeal.

While it is correct that the digital copy obtained from the CFMS can be authenticated *via* the Q.R Code affixed thereto, Rule 22(3) of the Family Court Rules, 1965, expressly requires a "certified copy" for filing an appeal. Therefore, the learned appellate Court is correct that the digital copy did not fulfil the requirement of a certified copy. However, since such objection was not taken by the appellate Court at the outset, the petitioner should have been given an opportunity to make an application

to condone the delay. Under Rule 22(1) of the Family Court Rules, 1965, the appellate Court has the power to extend the period for filing an appeal if sufficient cause is shown.

In view of the foregoing, the impugned order dated 31.03.2026 passed in Guardian and Wards Appeal No.09 of 2026 is set aside; the appeal is restored; the petitioner is given ten (10) days' time to file an application to condone the delay in producing the certified copy; whereafter the appellate Court shall decide the appeal afresh in accordance with law. Petition is disposed of in said terms.

JUDGE

Naveed Ali