

ORDER SHEET

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

C. P. No. S - 284 of 2026

[Nazeeb Khan Pathan v. Province of Sindh & others]

For Petitioner : Mr. Abdul Salam Shaikh, Advocate

For Respondents : Nemo

Date of hearing : 23.10.2026

Date of decision : 23.10.2026

ORDER

Adnan Iqbal Chaudhry J.- The Petitioner seeks a writ of certiorari against order dated 20.06.2026 passed by the Family Judge, Sukkur, dismissing the Petitioner's application under section 12(2) CPC for setting aside judgment and decree dated 03.05.2025 passed in favor of Respondent No.1/plaintiff in Family Suit No. 63/2024; so also against order 05.08.2026 passed by the Additional District Judge-II, Sukkur to dismiss the Petitioner's Civil Revision Application No. 57/2026.

2. Learned counsel for the Petitioner submits that the Family Suit was decreed against the Petitioner *ex parte*. However, it is admitted in the memo of petition, so also reflected by the record, that the Petitioner was duly served with summons of the suit, whereafter an Advocate also filed vakalatnama on his behalf, but then, no written statement was filed leading to an order de-barring written statement. Nevertheless, in the application under section 12(2) CPC, it was not the Petitioner's case that he was unaware of the suit. Rather, the case set-up by him was that on the intervention of elders, the parties had agreed to withdraw their respective suits, whereafter the Petitioner withdrew his suit for restitution of conjugal rights but the Respondent No.1 did not withdraw Family Suit No.63/2024, thus the judgment/decreed obtained by her was by fraud and misrepresentation.

3. The contention of the Petitioner amounts to saying that after filing suit, the Respondent No.1 had agreed to forego the same. Surely, the burden to prove that there was such an agreement between the parties,

was on the Petitioner, but there was no material whatsoever with the application under section 12(2) CPC in support such agreement. That fact that such plea was raised for the first time on 11.06.2026 when the execution application had already been allowed on 14.01.2026, also does not inspire confidence. Resultantly, the impugned orders do not suffer legal infirmity. The petition is, therefore, **dismissed in limine** along with listed applications.

J U D G E

ARBROHI