

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

C.P. No.S-59 of 2021

Aryan Hussain

Versus

Province of Sindh & others

Date	Order with signature of Judge
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For orders as to non-prosecution.

For orders on CMA 1650/21

(Attention of the Hon'ble Court is respectfully invited to the Diary of Additional Registrar (Writ) i.e. none is present for compliance since 26.12.2020 hence same may be placed before Hon'ble Court for order as to non-prosecution, which may kindly be seen at flag 'A')

Dated: 26.03.2021

Petitioner present in person.

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Urgency granted.

In this petition petitioner has impugned an order dated 17.10.2016 along with an application for exemption.

At the very outset petitioner submits that since appeal has been time barred, therefore, he has filed this petition and the reasons extended for this belated attempt in filing petition was that a number of FIRs have been lodged against him by the respondent. The suit was in respect of dissolution of marriage by way of Khula and recovery of dowry articles. The suit was claimed to have been decreed exparte, which is impugned in this petition.

This is not a remedy under the law. In case he intends to challenge such decree of Khula and dowry articles, he would have taken recourse by filing appeal however this alternate recourse for setting aside judgment and decree in respect of marriage dissolution issue and recovery of dowry articles cannot be adjudicated in proceedings under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 directly before this Court in respect of an order of the trial Court, and that too without exhausting remedy of appeal. Petition being misconceived is accordingly dismissed with cost of Rs.10,000/- to be deposited in High Court Clinic in ten days' time.

Judge