ORDER SHEET THE HIGH COURT OF SINDH, AT KARACHI

C.P. No.S-948 of 2020

Date

Order with signature(s) of Judge(s)

- 1. For hearing of CMA No.5097/2020
- 2. For hearing of main case

Dated: 15.04.2021

Mr. Maroof Hussain Hashmi, advocate for petitioner

Mr. Jahangir Khan, advocate for respondent

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This petition is filed against the two interim orders of the trial court and the appellate court whereby objections of the petitioner were declined. The objections were to the extent that in a family suit the plaintiff seeking Khulla cannot be represented by her attorney. Learned counsel in support of this contention has cited Rule 85 of the Sindh Civil Court Rules and Section 18 of the Family Courts Act, 1964. So far as the earlier Rule of Sindh Chief Court is concerned, the same is not applicable to the proceedings in hand as they are governed by the Family Courts Act, 1964 and perhaps there is no applicability of such rule even on merit. Similarly, so far as Section 18 of the Family Court Act is concerned, it enables a Pardah Nasheen lady to be permitted and represented by an authorized agent. This is an enabling provision and does not restrict the right of a plaintiff who intends to proceed the matter through an attorney to represent her in the court of law including a family suit for the dissolution of marriage. At this stage of the conclusion of this petition learned counsel for petitioner submits that he may be allowed to file an application for summoning the plaintiff of the suit/respondent No.3 herein to call her in the witness box. No such permission is required. He may move such an application, which shall be dealt with in accordance with law by the trial court. The petition stands dismissed.