

**Order Sheet**  
**IN THE HIGH COURT OF SINDH,**  
**BENCH AT SUKKUR**

Const. Petition No.S- 51 of 2023

Date of hearing	Order with signature of Judge.
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**Heraing of Case**

- 1.For orders on office objections.
- 2.For orders on CMA 172/2023
- 3.For hearing of main case

**02-06-2023**

Mr. Muhammad Hanif Kalhoro, Advocate for the petitioner.  
Mr. Zulfiqar Ali Naich, Assistant A.G Sindh.

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None present for the respondent No.1 though service against her has already been held good vide order dated 12.05.2023.

2. This petition is directed against the order dated 24.02.2023, whereby learned Family Judge-1, Bhiria City conducting pre-trial proceedings before filing of written statement by the petitioner/defendant in Family Suit No.143 of 2022 declared the pre-trial proceedings as 'Failed' and dissolved the marriage of the petitioner and respondent No.1 by way of *Khulla*.

3. Under Section 10 of the Family Court Act, 1964, the Family Court is required to fix an early date for a pre-trial hearing of the case "when the written statement is filed". Since in the instant case, pre-trial proceedings were conducted before filing of written statement, same is in violation of the said Provision of law. Hence, the impugned order dated 24.02.2023 is set-aside. The petitioner is directed to file his written statement before the trial Court on 10.06.2023, when the abovementioned Family Suit is already fixed. The trial Court is directed

to take the written statement to be filed by the petitioner on record and then fix an early date for pre-trial proceedings.

4. Instant Petition stands **disposed of** along with listed application in the above manner.

**JUDGE**

Ahmad