

Order Sheet

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. S - 67 of 2022

Date of hearing	Order with signature of Judge
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Hearing of case

1. For hearing of main case
2. For hearing of CMA No.196/2022 (Stay)

24.03.2023

Mr. Muhammad Moez Shamsi, Advocate for the petitioner.
Mr. Abdul Sami Kalhoro, Advocate for respondent No.1.
Mr. Noor Hassan Malik, Assistant Advocate General Sindh.

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1. Through instant Constitutional Petition, the petitioner/plaintiff has impugned the order dated 04.03.2022, whereby the learned Family Judge, Sukkur allowed an application filed on behalf of the respondent No.1/defendant for verification of thumb impression on the *iqrarnama* in Family Suit No.371 of 2020.
2. Learned Counsel for the petitioner contends that the impugned order being in violation of Articles 75, 76 & 84 of the Qanun-e-Shahadat Order, 1984 (**'the Order, 1984'**) is not maintainable; hence, the same is liable to be set aside under constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.
3. On the other hand, learned Counsel for respondent No.1 and learned A.A.G., Sindh fully support the impugned order.
4. It appears that the plaintiff filed the aforementioned family suit for maintenance and recovery of dowry articles, wherein the respondent No.1 filed along with written statement the alleged *iqrarnama* claiming therein that the dowry articles have been received by father of the petitioner and the said *iqrarnama* bears his signature and thumb impression. During pendency of the family suit, the respondent No.1 on 01.02.2021 filed an

application for forensic test of thumb impression and signature of father of the petitioner on the alleged *iqrarnama*, which application has been allowed by the learned trial Court vide impugned order observing as under:

“..... In the instant matter one document/stamp paper produced by the defendant side which according to them was executed at the time of delivering dowry articles but now the plaintiff's father is denying of such document. The plaintiff counsel has raised only one objection that the application is not maintainable. In this regard it is mentioned that the family court has vast jurisdiction to entertain instant like applications and there is no harm if the document be verified from the expert as the document is related to the dowry articles. Therefore the instant application is allowed and the defendant is directed to produce original Iqrarnama and that document be sent to the CENTER FOR DIGITAL FORENSIC SCIENCE AND TECHNOLOGY KARACHI for verification the thumb impression and signature of the father of the plaintiff. Cost will be paid by the defendant side.”

5. So far the contention of learned Counsel for the petition that the aforesaid order is in violation of Articles 75, 76 & 84 of the Order, 1984 is concerned, it is suffice to say that under Section 17 of the Family Courts Act, 1964, the provisions of the Order, 1984 are not applicable to the proceedings before the Family Court. Learned Counsel for the petitioner, thus, has failed to make out any case of interference of this Court in the impugned order, which appears to be passed by the trial Court by exercising its lawful jurisdiction. Hence, this petition, being devoid of any merit, is **dismissed** along with listed application with no order as to costs.