

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.S-451 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection
2. For orders on MA-1655/2023
3. For hearing of main case.

31.10.2023

Mr. Toseef Ahmed Chandio, advocate for petitioners.

The Family Suit No.72 of 2022 was decreed on 06.02.2023 by the Family Judge-II, Shahdadpur and Family Appeal No.06 of 2023 was also dismissed there against on 16.09.2023 by the Additional District Judge, Shahdadpur. The present petition assails the concurrent judgments and prays that the quantum of decree be enhanced by this Court in its writ jurisdiction.

At the very outset, learned counsel is queried as to whether there is any jurisdictional defect in the judgments impugned and the response is articulated in the negative. The judgments appear to have rested the respective conclusions upon detailed appreciation of evidence and no infirmity in such regard could be demonstrated. Learned counsel also remained unable to show that the conclusions drawn by the respective forums could not be rested on the rationale relied upon. The matter has been conclusively determined and per statute, finality is attached to the appellate order referred to supra.

This petition *prima facie* unjustifiably assails the concurrent findings of the statutory hierarchy in the writ jurisdiction of this Court; the same has been disapproved by the Supreme Court in *Hamad Hasan*¹ and earlier similar views were also expounded in *Arif Fareed*². Therefore, in *mutatis mutandis* application of the reasoning and ratio illumined, this petition is found to be misconceived, hence, dismissed with listed application.

Judge

¹ Per Ayesha A. Malik J in *M. Hamad Hassan vs. Mst. Isma Bukhari & Others* reported as 2023 SCMR 1434.

² Per Amin ud Din Ahmed J in *Arif Fareed vs. Bibi Sara & Others* reported as 2023 SCMR 413.