

IN THE HIGH COURT OF SINDH AT HYDERABAD

CP S 468 of 2023 : Ahsan Akhund Vs. Mst. Samar Bisma
For the petitioner : Mr. Sajjad Ali Soomro, Advocate
Date/s of hearing : 29.11.2023.
Date of announcement : 29.11.2023.

ORDER

Agha Faisal, J. Family Suit No.772 of 2021 was filed for dissolution of marriage by way of Khula and recovery of dowry articles and the same was allowed vide judgment dated 14.01.2023. Family Appeal No.24 of 2023 was preferred there against and the same was dismissed vide Judgment dated 23.09.2023. The present petition assails the respective judgments.

In view of the judgments of the Supreme Court in the cases of *Hamad Hasan*¹ and *Arif Fareed*², learned counsel is queried as to whether there is any jurisdictional defect in the proceedings/judgment impugned and he responded in the negative. *Admittedly* the statutory hierarchy of dispute resolution has been exhausted and writ jurisdiction is sought to be invoked in the *admitted* absence of any jurisdictional defect. Under such circumstances, and in *mutatis mutandis* application of the ratio illumined by the Supreme Court, no case is made out to invoke the writ jurisdiction of this Court, hence, this petition is dismissed *in limine* along with pending applications.

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.