

# ORDER SHEET

## *IN THE HIGH COURT OF SINDH AT KARACHI*

Constitution Petition No. **D – 398** of 2024

Date	Order with signature of Judge
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### Priority

1. For hearing of Misc. No. 1922/2024.
2. For hearing of Main Case.

**22.02.2024:**

Mr. Irtafa-ur-Rehman, advocate for the petitioner.  
Ms. Samina Majeed, advocate for respondent/NADRA.  
Mr. Saifullah, AAG.  
Mr. Khaleeq Ahmed, DAG.  
SIP Muhammad Nawaz, Mithadar P.S.

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Pursuant to Court Notices, Mr. Fiaz Ahmed Memon, advocate and Ms. Zahrah Sehr Vayani, advocate have filed vakalatnama on behalf of respondent Nos.2 and 6 respectively, which are taken on record, whereas, in compliance of Bailable Warrant issued by this Court, respondent No.2, namely, Wasim Mirza, *Secretary, Union Committee No. 27, Ratan Talao converted in U-08, City Railway Colony, TMC, Saddar, Karachi*, has been produced, who tenders unconditionally apology for not attending the Court on the date fixed by the Court on the ground that his mother was sick. He has also tendered apology for showing the status of the petitioner as married in the NADRA CRMS as according to him, he was not aware of the orders of this Court. He is directed to be careful in future and to ensure that in Courts' matters, extra caution would be observed.

Learned counsel for respondent No.6 requests for time to file reply, however, submits that since the issue regarding divorce and its effect is subjudiced before the learned Single Judge of this Court in C.P.No.S-1410/2023, which has been filed by the respondent No.6 against the orders of the Family Court and the Appellate Court, which according to learned counsel, were

obtained by the petitioner ex-parte, therefore, instant petition is misconceived and not maintainable.

Learned counsel for the petitioner submits that petitioner has approached this Court against the Certificate of Cancellation issued by the respondent No.2, which authority was not vested in him, whereas, all the relevant documents, including Divorce Deed etc. were duly supplied after notice by the respondent No.6. Per learned counsel, the divorce was given effect and Divorce Registration Certificate was issued in accordance with law.

Learned AAG present in Court, under the facts and circumstances of the case, submits that though respondent No.2 was not justified to issue Certificate of Cancellation, in view of the pendency of the litigation before the competent Court of jurisdiction, therefore, such certificate may be cancelled and the parties may be directed to get the matter resolved before the competent Court of jurisdiction in accordance with law, whereafter, respondent No.2 may proceed further.

Accordingly, instant petition stands disposed of with the directions that operation of the impugned cancellation certificate shall remain suspended, whereas, the parties are directed to approach the learned Single Judge with the request to decide the C.P.No.S-1410/2023 at an early date and consequent upon such decision, respondent No.2 will proceed further in accordance with law.

Petition stands disposed of in the above terms alongwith listed application.

***CHIEF JUSTICE***

***JUDGE***

A.S.