

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI  
C.P. No.S-1291 of 2023

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Date	Order with signature of Judge
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- 1.For order on office objection
- 2.For hearing of main case

08.04.2024

Petitioner is present in person.  
Waseem Raza, Respondent No.1 is also present.

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Petitioner has challenged an order passed under Section 21-A of Family Court Act, 1964 where her application under the said Section was dismissed being “ambiguous” and “premature”. Appeal against such order was also dismissed vide Judgment dated 08.11.2023. Petitioner present in person and states that her marriage is still intact and there is a serious danger that the respondent will deprive the petitioner of her legal rights protected under the Family Law. Petitioner further agitates that there is a serious danger that respondent will sell off the property (in his name) details of which are furnished through the document available at page 65 being Entry No.398. Perusal of the impugned order suggest that no cogent reasons have been assigned by the Trial as well as the Appellate Court as to why the claim of the petitioner was not considered seriously as she has asked for the stay on the assets of the respondent.

Section 21-A is very clear in this regard where a duty is casted upon a Family Court to preserve and protect the property in dispute

in a family suit and the preservation of which is considered necessary for the satisfaction of the decree. Petitioner states that there is a serious danger that during this long process, the respondent will sell his assets and decree will not be enforceable.

In these circumstances, impugned orders dated 18.09.2023 and 08.11.2023 are *set aside* and petition is disposed of with the direction to the concerned Mukhtiarkar to not to transfer property of the respondent to any third party till the trial Court passes the final judgment in this regard in Family Suit No. 910/2021 for which trial Court is given two months' to conclude the trial and pass a speaking judgment in accordance with law.

JUDGE

Aadil Arab