

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

C.P No. S-640 of 2021.

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Date:           Order with signature(s) of the Judge(s)  
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Hg. of Case. [Priority].

1. For Hearing of MA No.4061/2022.
2. For Hearing of Main Case.

29<sup>th</sup> November, 2022.

Mr. Muhammad Shafiq advocate for the Petitioner.

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Heard learned counsel for the Petitioner. Petitioner has challenged order dated 20.05.2021 passed in Family Suit No.507/2021 before the court of Family Judge-II Karachi Central whereby on failure of pre-trial while exercise power under Section 10(4) of Family Court Act, 1964 granted Khula and suit was decreed to that extent, however, with regard to other issues parties were directed to lead their evidence.

Being relevant last three lines of impugned order are that "*in order to resolve remaining controversy between the parties, issue will be framed after bailiff report*".

Besides it is contended that issues were framed by the trial court Petitioner filed application with specific plea that dower amount is to be restored *inter-alia*. Learned counsel for the Petitioner emphasized over Section 10(4) of Family Court Act, 1964 on the proposition that though trial court was competent to grant khula but with the condition that dower amount as received by the Respondent [wife] is to be restored.

Perusal of plaint shows that dower amount was unpaid, hence, trial court rightly decreed the suit as same was not admitted position, however, with regard to this controversy Petitioner [husband] has already approached Family Court while moving application, therefore, Petitioner would be at liberty to pursue his remedy.

In view of above, instant petition is dismissed alongwith listed application[s].

JUDGE