

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
Const. Petition No. S- 240 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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For Direction

- 1.For orders on office objection 'a'
- 2.For orders on maintainability of MA No.554/2023 (S/A)
- 3.For orders on maintainability of main case.

04.03.2025

Mr. Waqar Ahmed A. Chandio, Advocate for Respondent No.1.
Mr. Abdul Malik Bhutto , Assistant A.G for the State.

Petitioner Moula Bux has challenged the judgment and decree dated 26.06.2023 passed by learned Additional District Judge VI, Larkana in Family Appeal No. 30 of 2023 whereby appeal filed by the petitioner was dismissed and the judgment and decree dated 09.03.2023 passed by the Family Judge, Larkana in Family Suit No. 242/2022 was upheld and now the petitioner has preferred this petition inter alia on the ground that both the judgment and decree are bad in law and facts and are liable to set aside as the trial Court and the appellate Court have failed to appreciate the factual position put forward by the petitioner and more particularly on evidence of issue No.1 such findings are liable to be reversed. Learned counsel representing private respondent has put appearance and states that the decree has been partly implemented, therefore, this petition is no more maintainable before this Court in terms of law laid down by the Supreme Court in the case of M. Hamad Hassan v. Mst. Isma Bukhari & others 2023 SCMR 1434 and Arif Fareed v. Bibi Sara & others 2023 SCMR 413. Since the petitioner is not in attendance though specifically directed to satisfy this Court about maintainability of this petition vide order dated 03.05.2024, this Court is left with no option but to dismiss the petition in default in terms of law laid down by the Supreme Court in the aforementioned cases.

Judge