

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

C.P. No.S-169 of 2021.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection 'A'.
2. For orders on M.A.No.404/2021.
3. For orders on maintainability of main case.

06.06.2022.

Mr. Altaf Hussain Surahiyo, advocate for the petitioner.

Miss. Leela Kalapna, Addl. A. G.

Learned counsel for the petitioner as to the objections states that on account of the earlier order as to the payment perhaps this is question of maintainability no longer suffice to say. However, the record states otherwise, the objections as to the maintainability is present which is yet to be decided. Learned counsel for the petitioner further contends that the dowry articles were not in possession of the petitioner and the proceedings have failed to consider the said element and granted the obligation of the petitioner without looking to this aspect. Learned counsel for the petitioner, however, conceded that it was the petitioner, who got married in the first place and as such his own liability to the consequent effect irrespective of any involvement on part of any other party. As such this petition which has been filed in respect of family matter having attained finality at the appellate stage is prima facie not maintainable irrespective to the decisions which may be not to the satisfaction of any one or both the parties. Learned counsel for the petitioner, however, desires that any difficulty arising out of the proceedings may be entertained by the learned executing Court looking to the circumstances of the petitioner. Let the petitioner agitate the elements of compliance to the decree and any actual legal difficulties faced by him in this regard before the learned executing Court which may hear him and decide the same in accordance with law, justice and equity. With the above directions limited to the executing Court instant petition stands disposed of.


Judge