ORDER SHEET

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P No.S-91 of 2026

[Noshad Ali v. Province of Sindh and 03 others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S)

1. For orders on M.A No.307/2026 (U/A)
2. For orders on office objection (s)
3. For orders on M.A No.308/2026 (Exemption)
4. For orders on M.A No.309/2026 (Stay)
5. For hearing of main case

02.02.2026

Mr.Mumtaz Ali Khushk, Advocate for the Petitioner

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Through this constitutional petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner has called in question the order dated 31.10.2025, passed by the learned Family Judge-VI, Hyderabad, whereby an application for amendment in the plaint was allowed, as well as the order dated 20.01.2026, passed by the learned Model Civil Appellate Court-II/VI-Additional District Judge, Hyderabad, dismissing Family Appeal No.126 of 2025 as not maintainable under Section 14(3) of the Family Courts Act, 1964.

2. Before examining the legal questions raised, it is necessary to recount the factual background concisely. Respondent No.4 instituted Family Suit No.1999 of 2024, before the learned Family Judge-VI, Hyderabad, seeking dissolution of marriage by khula, maintenance, recovery of dowry articles, dower amount and medical expenses. During pre-trial proceedings, the marriage was dissolved by way of khula on 18.12.2024. The petitioner returned the dowry articles through the Court Bailiff on 02.02.2025. During the pendency of the suit, the District & Sessions Judge, Hyderabad, through Administrative Order No.36 dated 05.11.2024, modified an earlier administrative order and re-distributed territorial jurisdiction of various Family Courts, including matters arising from Police Station Hatri. The petitioner asserts that by virtue of this administrative order, the learned Family Judge-VI lost territorial jurisdiction over the respondent and the minor child.

3. Subsequently, on 13.09.2025, the respondent filed an application seeking an amendment in the plaint to incorporate a prayer for delivery and medical expenses and a further prayer for maintenance of minor Mahir Fatima, who was born on 21.09.2024 during the pendency of the suit. The petitioner filed objections, asserting that the amendment introduced new causes of action, that the Family Court had lost territorial jurisdiction, and that the amendment would alter the nature of the suit. Learned Family Judge-VI, however, allowed the amendment on 31.10.2025. The petitioner preferred Family Appeal No.126 of 2025, which the learned Appellate Court dismissed on 20.01.2026 as barred under Section 14(3) of the Family Courts Act, holding that the impugned order was interlocutory in nature.

4. Learned counsel for the petitioner argued that once territorial jurisdiction was altered, the learned Family Judge-VI became *functus officio* and could not entertain any further application, including one seeking amendment in the plaint. It was further contended that the amendment introduced fresh causes of action relating to a minor child and delivery expenses, which were not part of the original suit and could not be joined. Counsel submitted that the appellate Court erred in dismissing the appeal as not maintainable, because the order of the trial Court was not merely interlocutory but one passed without jurisdiction.

5. I have heard learned counsel for the petitioner and examined the record with care. The central question requiring determination is whether the administrative reallocation of territorial jurisdiction divested the learned Family Judge-VI of competence to entertain and decide an application for amendment in a suit already pending before it. The petitioner's argument proceeds on the assumption that a change in territorial jurisdiction renders the Court *functus officio*. This assumption is not supported by law. In the case of ***Ejaz Mahmood***[1]It was held that the Family Courts Act, 1964, establishes a special procedural regime and that the Family Court, while not bound by the technicalities of the Civil Procedure Code, may adopt any procedure not

[1] Ejaz Mahmood v. Mst. Humaira (1983 CLC 3305)

expressly barred. The Family Court retains full authority to regulate its own proceedings and to pass such orders as are necessary for the just and final adjudication of the dispute.

6. The administrative redistribution of territorial jurisdiction does not, by itself, extinguish the jurisdiction of a Family Court in respect of a suit already validly instituted before it. Territorial jurisdiction is procedural in nature. Once a Family Court is properly seized of a matter, subsequent administrative adjustments do not automatically divest it of competence unless the case is formally transferred under the law. No such transfer order has been placed on record. The petitioner's reliance on the administrative order is therefore misplaced. Learned Family Judge-VI continued to possess jurisdiction over the pending suit and was competent to entertain the amendment application.

7. The next question concerns the nature of the amendment. The respondent No.4 sought to incorporate claims relating to delivery expenses and maintenance of a minor born during the pendency of the suit. It is well settled law that amendments which are necessary for complete and effective adjudication and which avoid multiplicity of proceedings should ordinarily be allowed, particularly in family matters where the Court is expected to adopt a liberal approach. Where a new claim becomes available to a party during the pendency of the suit, the Family Court is justified in allowing amendment so that all connected matters may be adjudicated together. The Family Court is not constrained by the technicalities of Order VI Rule 17 CPC, but even under that provision, amendments arising from subsequent events are permissible.

8. The birth of a minor child during the pendency of the suit is a subsequent event giving rise to fresh obligations of maintenance. Similarly, delivery and medical expenses are ancillary to the matrimonial relationship and fall squarely within the jurisdiction of the Family Court. Allowing such amendments does not alter the nature of the suit; rather, it ensures that all issues between the parties are resolved in a single proceeding. Learned Family Judge-VI, therefore, acted within jurisdiction and in accordance with settled principles.

9. As regards the maintainability of the appeal, Section 14(3) of the Family Courts Act expressly bars appeals against interlocutory orders. An order allowing amendment of pleadings is interlocutory, does not determine any substantive right, and remains subject to variation by the trial Court. The appellate Court was therefore correct in dismissing the appeal as not maintainable. The petitioner's attempt to circumvent the statutory bar by characterising the order as one passed without jurisdiction is untenable, as discussed above, because the trial Court did possess jurisdiction.

10. In view of the above discussion, it is evident that the impugned orders do not suffer from any jurisdictional defect, legal infirmity or constitutional violation. Learned Family Judge-VI acted within the bounds of law in allowing the amendment, and the learned Appellate Court rightly dismissed the appeal as barred under Section 14(3). No ground is made out for interference in the constitutional jurisdiction of this Court. The petition is accordingly **dismissed** in *limine*, along with the listed application (s), with no order as to costs.

JUDGE

AHSAN K. ABRO