

IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. S-784 of 2023
(Abdul Samad vs Mst. Mehreena & Ors.)

Date	Order with signature(s) of Judge(s)
Fresh Case.	

1. For orders on office objections.
2. For orders on Misc. No.5593/23
3. For orders on Misc. No.5594/23
4. For hearing of main case.

17.08.2026.

Ms. Zahida Anwer, Advocate for the Petitioner.

ORDER

Nisar Ahmed Bhanbro, J. Through this petition, petitioner has called in question the order dated 14.02.2022 passed by the learned VIIIth Civil & Family Judge (East) Karachi and order dated 05.02.2023 passed in Family Appeal No.68 of 2022 by learned Additional District & Sessions Judge No.X (East) Karachi whereby an application seeking reversal of exparte judgment & decree dated 30.05.2020 was dismissed.

2. It is the case of the petitioner that he was not heard and that the judgment and decree were passed ex-parte. Learned counsel further submits that the petitioner's right to a fair trial was denied by not allowing him a reasonable opportunity to file a written statement and adduce evidence. She next contended that this was a fit case for the indulgence of this Court. She therefore prays that this petition may be allowed and the case may be remanded to the trial court for a fresh trial.

3. Heard argument and perused the material available on record.

4. Upon perusal of the judgment and decree dated 30.05.2020, it is revealed that summons were duly issued to the petitioner, and publication was also made. Service was held good in January 2020; however, the petitioner failed to appear before the trial court. Consequently, ex parte proceedings were initiated, and the impugned judgment and decree were passed after a lapse of about four months. The petitioner appeared before the trial court after a lapse of more than two years and filed an application seeking reversal of the ex parte judgment and decree, which was declined in view of the petitioner's conduct. The appeal was also dismissed. Thereafter, the present petition was instituted in August 2023, and after a lapse of more than three years, the petitioner has turned up for issuance of notices. This, prima facie, speaks volumes about the conduct of the petitioner.

5. In the given circumstances, no case for indulgence is made out. Accordingly, the instant petition, along with all listed applications, fails and is dismissed in limine.

JUDGE