HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Constitutional Petition No.S-311 of 2025

Present: Justice Jawad Akbar Sarwana

Petitioner : Ghulam Muhammad Jarwar s/o Imam Bux Jarwar through Mr.Nihal Khan Lashari, Advocate

versus

Respondent No.1 : Mst.Samina d/o Abdul Rauf. Nemo.
Respondent No.2 : 2nd Additional District Judge, Tando Allahyar.
Respondent No.3 : Family Judge/Consumer Judge, Tando Allahyar

Date of hearing : **23.10.2025**

Date of short order: **11.11.2025**

Date of Reasons : **10.11.2026**

O R D E R

JAWAD AKBAR SARWANA, J: Petitioner/appellant, Ghulam Muhammad Jarwar s/o Imam Bux Jarwar is aggrieved by the Judgment and Decree dated 13.05.2025 passed by the IInd Additional District Judge, Tando Allahyar, in Family Appeal No.09 of 2025,[1] dismissing his appeal against the compromise order dated 17.03.2025 passed by the Family Judge, Tando Allahyar, in Family Suit No.06/2025 (*Mst. Samina d/o Abdul Rauf v. Ghullam Muhammad s/o Imam Bux*), allowing the *suit in terms of the compromise reached between the parties as recorded in the said Order*.[2] He contends that the Judgment, Decree, and Order passed by the lower forum are "without lawful authority" and "are of no legal effect", as his Counsel at the material time allegedly misguided him into signing the compromise without fully understanding its implications, and contrary to law, as a grandfather/dada is not liable for the maintenance of his minor grandchild/pota'ah. Hence, this challenge is brought under the writ jurisdiction of the 1973 Constitution before the Regular Bench of the High Court.

Heard Counsel and perused the record available in the petition. The text before the body of the said order records that the pleaders of the parties

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[1] Available on pages 13-17 of the petition
[2] Available on page 73 of the petition

were present before the Family Judge on the day the said order was passed. Further, the body of the said order reflects the positive attendance of the parties. Thus, the order recording the compromise was passed in the presence of the parties and their Counsel at the pre-trial stage. Indeed, the petitioner/appellant has also not denied his presence before the Family Judge. Instead, the grandfather/dada claims that his counsel misled him. If this is/was a bona fide claim of the grandfather/dada, no contemporaneous evidence is available on record in support of and/or to substantiate such a claim. This could have taken the form of a timely review application, a challenge under Section 12(2) CPC, a complaint to the Bar Council, a legal notice to the Counsel himself for misrepresentation, etc. In the case in hand, nothing on record inspires confidence in the plea taken by the grandfather/dada, raising doubt about the compromise.[3]

With regard to the grandfather's understanding that he is not responsible for the maintenance of his grandson/pota'ah in the absence of his son, who is since deceased. The understanding is entirely misconceived and misplaced. Reliance is placed on *Ayesha Hashmat Kamal and 2 Others v. Additional District Judge and 2 Others*, 2024 CLC 141 (Lahore, SB), *Almir v. Mst. Banglow Bibi and Others*, 2023 YLR 2003 (Peshawar, DB), *Hazrat Bilal and Another v. Mst. Asmat Bibi and 4 Others*, 2024 CLC 1772 (Peshawar SB), etc. Thus, the petitioner/appellant's argument that he has no responsibility for the maintenance of his grandson/pota'ah has no legs to stand and is dismissed.

I have perused the impugned appellate judgment and decree dated 13.05.2025, and do not find any irregularity, illegality or defect that would trigger the ingredients of Article 199(1)(a)(ii) of the Constitution of Pakistan. The impugned judgment is well-written and supported by legal reasoning and case precedent applicable to the facts and circumstances of the case. There is no reason for me to intervene.

In view of the above, I dismissed this petition by my Short Order dated 11.11.2025 along with the listed applications, and the above are my reasons for dismissing this petition.

JUDGE

AHSAN K. ABRO

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[3] Also see *Muhammad Khawer Hasan v. Additional District Judge, Islamabad West and Others*, 2021 YLR 1458 and *Haseeb Express (Pvt.) Ltd. v. Azerbaijan Hava Yollari State concern Azerbaijan Airlines*, 1998 CLC 1390, concerning the role of pleaders and representation.