# HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

**Constitutional Petition No.S-195 of 2025**

**Present: Justice Jawad Akbar Sarwana**

| | | |
|---|---|---|
| Petitioner | : | Muneer Ahmed s/o Muhammad Usman through Mr.Zubair Ahmed Khuhawar, Advocate |
| Respondent | : | Mst.Nasreen Shaikh d/o Sardar. Nemo. |
| 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.:** The petitioner/judgment-debtor/defendant, Muneer Ahmed s/o Muhammad Usman ("petitioner/J.D.), is aggrieved by the Judgment and Decree dated 10.04.2025 passed by the IIIrd Additional District Judge, Hyderabad, in Family Appeal No.94 of 2025,[1] dismissing his appeal against the order dated 25.05.2024 passed by the Family Judge, Hyderabad,[2] in Family Suit No.932/2018 (*Mst.Nasreen Shaikh v. Muneer Ahmed*), wherein the 2024 challenge filed by the petitioner/JD in the said disposed-of Family Suit to set aside the judgment and decree dated 27.11.2019,[3] on the ground that the 2019 Judgment and Decree was obtained by fraud and misrepresentation, was dismissed by the Family Judge.[4] He contends that the Judgment, Decree, and Order passed by the lower forum are "without lawful authority" and "are of no legal effect", based on certain information that the petitioner/J.D. obtained during the course of proceedings in F.C. Suit No.534/2023 filed by him against the Government of Pakistan and others, that his children's School Leaving Certificate is allegedly false and fake. Therefore, the judgment and decree dated 27.11.2019, obtained by the respondent/decree-holder, Mst. Nasreen Shaikh d/o Sardar ("respondent/D.H.), is liable to be set aside in 2024/2025. Hence, this

---

[1] Available on pages 17- 23 of the petition
[2] Available on pages 35- 41 of the petition
[3] Available on pages 81 – 115 of the petition
[4] Available on page 73 of the petition

challenge is brought under the writ jurisdiction of the 1973 Constitution before the Regular Bench of the High Court.

2. Heard Counsel and perused the documents available in the petition. This lis concerns the second round of challenge raised by the petitioner/J.D. to the respondent/D.H. regarding the petitioner/J.D.'s continuing claim for maintenance for the two minor children, Muhammad Asghar and Zohra-tul-Fatima, born out of the wedlock between the parties.

3. In the first round, the respondent/D.H. had filed a Family Suit No.932/2018 for recovery of maintenance, which was contested by the petitioner/J.D., and after hearing the parties, the Family Judge decreed the said suit vide judgment and decree dated 27.11.2019 awarding the respondent/D.H. maintenance at Rs.6,000/- p.m. from the date of filing of the suit till the marriage between the parties remained intact, including the maintenance of her three (3) months iddat period at the same rate, and maintenance for both the minors at the rate of Rs.8,000/- p.m. each, with 15% annual increase since the date of filing suit till entitlement/age of majority. It may not be out of place to mention here that among several factors considered by the Family Judge in determining the maintenance amount, the judgment and decree dated 27.11.2019 also records that the children were attending "*Laiba Montessori & High Schoo*l." However, as is clear from the discussion about the schools in the said judgment, the reference to the schools was made in the discussion concerning the paternity of the two children, that is, whether or not the minors were born out of their union. At the same time, the school certificates were not the only documents on which the trial Court relied upon concerning establishing the paternity of the minor children. Indeed, as noted by the Family Judge on page 12 of the judgment dated 27.11.2019, although the school certificates pertaining to the minors issued by *AL-Hira High*

*School* and *Laiba Montessori & High School* were referred to during the evidence, the Family Judge did not give much weight to the same as:

> "none of the above said school certificates were produced or exhibited by either party during their examination nor same certificates either original or certified [were] available on file in evidence part with other documents as produced by the parties, however, only simple photocopies of above said four certificates are present on the court file in the miscellaneous part without the endorsement of learned court, otherwise, the defendant has not controverted such fact at any stage that the minors are not admitted in school with his name as their father . . ."

4. Notwithstanding the above, the petitioner/J.D. aggrieved by the judgment of the Family Judge dated 27.11.2019, preferred Family Appeal No.2 of 2020 before the appellate Court, which was also dismissed vide the appellate judgment and decree dated 20.07.2020. Thereafter, the petitioner/J.D. preferred Constitutional Petition No.S-395/2020 before the High Court of Sindh Circuit Court Hyderabad, which was also dismissed vide Order dated 30.08.2022. Thus, the dispute was finally resolved after the last challenge, viz. 30.08.2022. This also included the complete discussion concerning the above-mentioned school certificates and their relevance, as recorded in the paragraphs reproduced hereinabove.

5. Yet, on 02.11.2023, the petitioner/J.D. filed an application for setting aside the judgment and decree on the grounds of alleged fraud, fabrication, concoction, cheating, misrepresentation and producing the fake documents pertaining to the School Certificates. The Family Judge dismissed this application, after hearing the parties, vide Order dated 25.05.2024, and the Appellate Court subsequently dismissed it vide Judgment and Decree dated 10.04.2025. Both legal forums hereinbelow correctly observed that the allegation of fraud must be pleaded specifically and precisely, which specificity is admittedly

missing from the petitioner/J.D.'s application; I find no reason to hold otherwise and/or to disagree with the findings of the two lower forums.

6. Additionally, the information concerning the School Certificates which the petitioner/J.D. relies upon is based on certain documents placed on record in F.C. Suit No. 534/2023. Admittedly, the challenge to the School Certificate, now raised in the 2023 application, was never raised in the first round of litigation in Family Suit No. 932/2018, from trial side through to the High Court judgment dated 30.08.2022. Furthermore, even when the petitioner/J.D. filed the above application in 2023, no final order in F.C. Suit No. 534/2023 appears to have been placed before the Family Judge in Family Suit No.932/2018 to establish that the suit for declaration, cancellation of documents and permanent injunction recorded any judicial finding in favor of the petitioner/J.D. In fact, all that this bench had before it, and apparently, as did the two lower forums, was merely a snapshot of the proceedings in F.C. Suit No.534/2024. This was by way of a Statement dated 17.10.2025 filed by Counsel attaching certain documents exchanged between the Government of Sindh, School, Education & Literacy Department, Regional Directorate Inspection & Registration of Private Institutions Hyderabad Region, and the petitioner/J.D. in the background of F.C. Suit No.534/2023, which fact is neither here nor there without any positive finding recorded by the Court concerning the School Certificates. The grounds pleaded by the petitioner/J.D. in the application filed before the Family Judge in 2023 in Family Suit No.534/2024 have no legal force to set aside a full-blown trial judgment that has withstood challenges before the appellate forum and this High Court's order dated 30.08.2022 in C.P. No.S-395/2020.

7. Without Prejudice to the above, as already observed above, the Family Judge did not give much weight to the School Certificates in the judgment dated 27.11.2019. The Family Judge merely noted their (School Certificates) presence in the file. Even in the alternative,

hypothetically speaking, if the said School Certificates are discarded from the evidence, it does not rescue the petitioner/J.D. from the final outcome, given the value the Family Judge assigned to the School Certificates in reaching his conclusion in the judgment dated 27.11.2019. Thus, hypothetically, even if this Bench were to entirely ignore the School Certificates, which it has not done so in this Order, yet, even so, for the sake of argument, if one were to consider the same, still, discarding the School Certificate will not change the outcome of the judgment dated 27.11.2019.

8. In view of the above, the petitioner/J.D. has not placed any information on record by way of the application filed in 2023 in Family Suit No.932/2019 to set aside the Family Court's judgment dated 27.11.2019 passed in the said Family Suit. Thus, the Appellate Court's conclusion in its judgment and decree dated 10.04.2025 and the order dated 25.05.2024 passed by the Family Judge are neither perverse nor arbitrary and do not call for any interference or setting aside.

9. For the foregoing reasons, the impugned judgment/decree dated 10.04.2025 passed in Family Appeal No. 94/2025 does not call for interference. Consequently, I dismissed the aforesaid petition vide my Short Order dated 11.11.2025, and the above are the reasons for its dismissal.

**JUDGE**

AHSAN K. ABRO