

SIND ORDINANCE NO. IV OF 1997

THE WEST PAKISTAN FAMILY COURTS (SINDH AMENDMENT) ORDINANCE, 1997

[19th February, 1997]

An Ordinance to amend the West Pakistan Family Courts, Act, 1964, in its application to the Province of Sindh.

WHEREAS it is expedient to amend the West Pakistan Family Courts, Act, 1964, in its application to the Province of Sindh, in the manner hereinafter appearing;

Preamble.

AND WHEREAS the Provincial Assembly is not in session and the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of Sindh is pleased to make and promulgate the following Ordinance :-

1. (1) This Ordinance may be called the West Pakistan Family Courts, Act, 1964 (Sind Amendment) Ordinance, 1997.

Short title and commencement.

(2) It shall come into force at once.

2. In the West Pakistan Family Courts, Act, 1964, in its application to the Province of Sind; after section 25 the following new section shall be inserted:--

“25-A. Transfer of cases

(1) Notwithstanding anything contained in any law, the High Court may either on the application of any party or on its own accord, by an order in writing.

(a) transfer any suit or proceeding under this Act, from one Family Court to another Family Court in the same district or from a Family Court of any district to a Family Court of another district; and

(b) transfer any appeal or proceedings under this Act from the District Court of one district to the District Court of another district.

(2) Any court to which a suit, appeal or proceeding is transferred under the proceeding sub-section, shall, notwithstanding anything contained in this Act, have the jurisdiction to dispose it of in the manner as if it were instituted or filed before it;

Provided that on the transfer of a suit, it shall not be necessary to commence the proceeding before the succeeding Judge do novo unless the Judge, for reasons to be recorded in writing, directs otherwise.”.