

EXTRAORDINARY

REGISTERED NO. S-2771



THE BALOCHISTAN GAZETTE

PUBLISHED BY AUTHORITY

NO. 172 QUETTA SATURDAY OCTOBER 29, 2005.

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT

NOTIFICATION.

Dated Quetta, the 29th October, 2005.

No. - PAB/Legis: V (28)/2005. The West Pakistan Family (Balochistan Amendment) Bill, 2005 having been passed by the Provincial Assembly of Balochistan on 21st October, 2005 and assented to by the Governor of Balochistan, is hereby published as an Act of the Provincial Assembly.

THE WEST PAKISTAN FAMILY COURTS (BALOCHISTAN AMENDMENT) ACT 2005 (BALOCHISTAN ACT NO. IV OF 2005)

AN ACT

further to amend the West Pakistan Family Courts Act, 1964, in its application to the Province of Balochistan.

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

It is hereby enacted as follows:-

Printed by the Controller, Government Printing and Stationery Department Balochistan, Quetta.

Rs.20/-

D.No. 172-100-Copies-2-2006.

Short title and commencement.

1. (1) This Act may be called the West Pakistan Family Courts (Balochistan Amendment) Act, 2005.

(2) It shall come into force at once.

Addition of sections 25 A and 25 B in the West Pakistan Act XXXV of 1964.

2. After section 25 of the West Pakistan Family Court Act, 1964, the following new sections shall be added:-

“25-A. Transfer of cases. Notwithstanding anything contained in any law the High Court may, either on the application of any party or of its own accord, by an order in writing-

a) transfer any suit or proceeding under this Act from a Family court district to a Family Court of another district; and

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

2) A District Court may, either on the application of any party or of its own accord, by an order in writing, transfer any suit or proceeding under this Act from one Family court to another Family court in a district or to itself and dispose it of as Family Court.

3) Any Court to which a suit, appeal or proceeding is transferred under the preceding subsections, 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 suit, it shall not be necessary to commence the proceedings before the succeeding Judge de novo unless the Judge, for reasons to be recorded in writing, directs otherwise.

25-B. Stay of proceedings by the High Court and District Courts. Any suit, appeal or proceeding under this Act, may be stayed-

a) by the District Court, if the suit or proceeding is pending before a Family Court with it jurisdiction; and

b) by the High Court, in the case of any suit, appeal or proceeding.”

Mir Muhammad Anwar Lehri,
Secretary,
Provincial Assembly of Balochistan.