

IN THE HIGH COURT OF SINDH AT LARKANA

Constitution Petition No.432 of 2025

15.05.2026

1. For orders on office objections at flag "A".
2. For haring of M.A.No.939 of 2025 (S/A).
3. For hearing of main case.

Mr. Rafique Ahmed K. Abro, Advocate along with the Petitioner.
Mr. Mumtaz Ali Brohi, Advocate along with the Respondent.
Mr. Mohsin Ali Khan, Assistant Advocate General, Sindh.

ORDER

MUHAMMAD HASAN AKBER, J.: The petitioner [**husband/ father**] has preferred this instant petition against the impugned Judgment dated 08.10.2025 passed in Family Appeal No.28 of 2025 by the learned Additional District Judge-V Larkana [**impugned Judgment**], which partly upheld the Judgment and decree dated 24.05.2025 passed in Family Suit No.01 of 2025 '*Mst. Uzma v. Zubair Ahmad*' by the learned Family Judge-I Larkana [**impugned Judgment**] for recovery of amounts in multiple heads.

2. The issues involved in the instant petition are:

- (a) maintenance of the minors, which was fixed by the learned trial Court at Rs,7000/- per month from the date of passing of decree;
- (b) payment of iddah period amounting to Rs.30,000/-;
- (c) payment of past maintenance of the wife, amounting to Rs.30,000/-;
- (d) one tola gold, which was decreed by the learned trial Court.
- (e) meetings of the children with the petitioner/father.

3. Both parties were present in court, and their learned advocates were heard in detail, and the record was perused, which reflects that in the Deposition of the Plaintiff, not a single document or receipt of any single item of the dowry articles was produced in evidence by the Plaintiff. However, her claim for dowry articles was partly allowed only to the extent of Rs.50,000/- by the learned trial Court, but the same was reversed by the learned Appellate Court, and against which no appeal was preferred by the wife. Hence, to that extent, such an appellate decree has attained finality. On the other hand, the learned appellate Court decreed the Plaintiff's claim with respect to "one tola gold". Upon perusal of the evidence of the plaintiff/wife, the same shows that no receipt was produced with respect thereto, as already discussed above. No plausible explanation thereto could be provided by the Respondent side, while the wife present in Court also admits that neither such receipts were obtained at the time of purchase, nor were any

produced in Court at the time of evidence. Therefore, the impugned decrees, only to the extent of “one tola gold”, being without any evidence or record, are set aside.

4. With respect to the second aspect of Outstanding decretal amount, both learned advocates jointly state, under instructions from their respective clients present in Court, that they would be satisfied if the instant petition is disposed of in the terms that:

A. The TOTAL OUTSTANDING decreed amount against the Petitioner till date, on account of all four heads, after deduction of payment of Rs.140,000/- by the Petitioner with the learned trial Court, comes to **Rs.88,000/-**, for which, both parties agree that the Petitioner shall deposit **Rs.10,000/-** per month with the learned Executing Court in Execution Application No.16 of 2025 starting from 01.06.2026, until the amount of Rs.88,000/- is satisfied. In case of non-compliance of this liability within the stipulated time, the learned Executing Court will be at liberty to initiate penal proceedings against the Judgment Debtor in accordance with law, without disturbing the other arrangements agreed between the parties in this Order.

B. With respect to the future maintenance of the minors starting from 01.06.2026, as agreed, the Petitioner shall deposit a sum of Rs.7,000/- per month per child along with 10% annual increment. The first increment shall apply from 01.06.2027.

5. During the course of the hearing, it also transpired that meetings of the minors are not being held with the father. Needless to mention that meetings of children with both parents are always conducive and healthy for the mental development of the children themselves. This petition was therefore heard expeditiously ‘*in loco parentis*’ while considering the valuable expressions by Justice Aminuddin Khan of the Honourable Supreme Court in ‘*Arif Fareed v. Bibi Sara and others*’ (2023 SCMR 413) and the guidelines for a ‘child-centric approach’, provided by Justice Mansoor Ali Shah in ‘*Dr. Muhammad Asif Vs. Dr. Sana Sattar and others*’ (in CRP No.458/2024 in CPLA No.2514/2024). During the course of arguments, the rights and obligations of the father and the mother were also considered and also came under discussion, the Research and Studies conducted in various countries, the various provisions of the Constitution of Pakistan 1973, the United Nation’s Convention on the Rights of the Child 1989 [CRC], the Principles of European Law Regarding Parental Responsibilities’ by the Commission on European Family Law (CEFL), and also the Orders passed by the Honourable Supreme Court of Pakistan in ‘*Mst. Madiha Younus v. Imran Ahmed*’ (2018 SCMR 1991) and ‘*Muhammad Riaz and others v. Mst. Surriya Jabeen and others*’ (1985 SCMR 2066). Upon conclusion of their arguments, both the parties jointly stated that they will abide by the following consensual meeting arrangements to be held regularly between the children and father:

i. The influence Judgments by both the learned Courts below, are upheld.

- ii. **Regular Meetings:** On the 2nd and 4th Saturday of every month, from 10 am to 12 pm.
- iii. **Each Child's Birthday:** from 12 pm to 1 pm.
- iv. **Father's Birthday:** from 12 pm to 1 pm.
- v. **Eid-ul-Fitr:** The first working day after Eid, from 10 am till 12 pm.
- vi. **Eid-ul-Azha:** The first working day after Eid, from 10 am till 12 pm.
- vii. **Cost:** For each of the above meetings HELD in Court, the father shall deposit the transportation cost of Rs.500/- in the Court.
- viii. **Venue:** All Regular Meetings [clauses (ii) to (vi)] shall be conducted within the premises and under the monitoring and supervision of the concerned Family Court.
- ix. **Summer vacations:** On every 2nd and 4th Friday during summer vacations, the father shall pick up the minors at 10 am, under the supervision of the learned Family Court, and shall return the minors, the next day at 11 am, in Court.
- x. **Winter vacations:** On the 1st Friday during winter vacations, the father to pick up the minors at 10 am, under the supervision of the Family Court, and shall return the minors the next day at 11 am, in Court.
- xi. **Alterations:** The above days, timings, venue or occasions etc. can be altered or improved, only with the express mutual consent of both the children and parents.
- xii. **Education:** (a) Periodic reports regarding educational status/ results of the children be submitted every three months by the Respondent before the Guardian Court, which shall be monitored by the learned Court. (b) Both parents may attend important school meetings, other school functions, or any other activity of the children, as required, only to improve the confidence, better personality and education of the Children.
- xiii. **Gifts:** All Gifts from the father shall be delivered to the children personally, through the Guardian Court.
- xiv. **Mutual Cooperation:** Considering the children's age, both parents are required to act sensibly, being conscious of their serious responsibility towards the children, and they shall not do any act which may prejudice the minds of the children towards the other parent [2018 SCMR 1991]. Hence, in the best interests of the Children, both parents shall fully cooperate with each other on all matters and documentation(s), etc., as, when and wherever required by the Children's school, or NADRA, or Union Council, or Immigration, or any forum/ Department/ authority etc. and in this regard, the learned Guardian Court may pass appropriate Orders for its implementation.
- xv. **Reconciliation:** During their meetings, the learned Guardian Judge, from time to time, shall also initiate positive reconciliation efforts to reduce the relationship gap, presently created between the father and the children.
- xvi. **Implementation:** For the implementation of this Order, as well as for all matters and guidance concerning the rights and welfare of the Children, the parties shall approach the concerned learned Guardian Court.
- xvii. **Action:** The learned Guardian Judge may take action against the non-cooperating party found involved in deliberate avoidance of any term of this Order.
- xviii. **Court:** wherever used in this Order, shall mean the concerned learned Family Judge-II, Larkana at present, and for the future, shall also include the Family Court having jurisdiction under the Guardian and Wards Act, the Family Courts Act 1964 and the Rules thereunder. The learned Guardian Court may make further Orders in the interests of the minor, as deemed appropriate.

5. In view of the above, both the Judgments impugned are therefore upheld, in addition whereof, the above arrangement between the parties is made the Order of the Court, and the learned Executing Court shall follow the same formula, as noted above. The petition stands disposed of in the above terms, along with the pending applications.

JUDGE