

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Constitutional Petition No.S-20 of 2022

DATE	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection "A"
2. For orders on maintainability of main case.

15-09-2025

Mr. Idrees Ahmed Mangi, Advocate for the petitioner.
Mr. Muhammad Waseem Abro, Advocate for the respondent
Mr. Munwar Ali Abbasi, Assistant Advocate General.

Through this petition, the petitioner has challenged the order dated 02-11-2020 passed by the learned Family Judge Larkana in Family Suit No.444/2017 and judgment and decree dated 24-05-2021, passed by court of learned 03rd Additional District Judge Larkana in Family Appeal No.24/2020, whereby a lump sum amount of Rs.150,000/- was ordered to be paid to the minor children towards maintenance.

Learned counsel for the petitioner contended that the courts below have passed illegal orders without proper scrutiny of the record.

Learned counsel for the respondent supported the judgments and decrees of the courts below.

Conversely, learned Assistant Advocate General conceded the arguments of learned counsel for the respondent.

The reason which weighed the learned trial court and appellate court to grant maintenance in favor of the minors in lump sum was that Guardianship application No.21/2018 filed by respondent was allowed and the custody of minors was handed over to the respondent decree holder, therefore, the mother of minors was held entitled for the payment of maintenance allowance till the time they remained in custody of petitioner. Since the order in Guardianship application No.21/2018 has

been set aside in petition No.21/2022, therefore, the ground which weighed before the trial court as well as appellate court is not in existence.

In such circumstances this petition is allowed, the impugned orders dated 02-11-2020 and 24-05-2021 passed by the courts below are set aside, the matter is remanded back to trial court for deciding the issue of maintenance of minors afresh after affording an opportunity of leading the evidence of both the parties if they so desire and decide the Family Suit within a period of 02 months from the date of receipt of this order.

The petition stands disposed of.

JUDGE

Asghar Altaf/P.A