

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
C.P No.S-37 of 2024.

<i>DATE</i>	<i>ORDER WITH SIGNATURE OF JUDGE</i>
	1. For orders on office objections. 2. For hearing of main case.

10.11.2025.

Mr. Tanveer Ahmed Daudani, Advocate for the Petitioner.
Mr. Sahib Khan Panhwar, Advocate for Respondent No.1.

On 24.03.2025, this Court passed orders, which is reproduced as under:

“Learned counsel for the parties have stated that they have settled their dispute outside the Court on the following terms:-

- a). That the learned Executing Court may be directed to ascertain the total amount outstanding against the Respondent No.1 Amjad Ali Ex-husband of the appellant/plaintiff on or before the next date of hearing.*
- b). That once the amount is determined by the learned Executing Court, respondent No.1 shall pay the same within a period of one month.*
- c). That in case of failure to pay the amount by the Respondent No.1 as ascertained by the learned Executing Court, the salary of respondent No.1 Amjad Ali shall be attached by the Executing Court in accordance with law. At present respondent No.1 is working as Deputy Director, Workers Welfare Board Sindh, 8th Floor Marien Faisal Building 10/A, Block-6 PECHS Shahra-e-Faisal Karachi.*

Order accordingly

To come up after four weeks. Copy of this order be communicated to the learned Executing Court for compliance.”

It transpires that following the order, the Executing Court submitted a report on 23.04.2025 in the following terms:

“With due reverence and Honour, it is respectfully submitted that defendant/JD Amjad Ali has deposited the total amount in sum of Rs.405,000/- (Four lac five thousand rupees) from the month of January 2022 to May 2023, as per Nazir report of 1st Senior Civil Judge and J/D Amjad Ali has deposited Rs.376,000/- (Three lac seventy six thousand rupees) at the office of Nazir of 5th Senior Civil Judge. (Copy of the both Nazir report showing monthly breakup are annexed as annexure-A and B).

It is respectfully submitted that after perusal of record, it is reported that J/D Amjad Ali has deposited amount of Rs 50,000/- in the month of January 2022, Rs 30,000/- in the month of February 2022, Rs 15000/- in the month of February 2022, Rs 25000/- in the month of March 2022, Rs 25000/- in the month of April 2022, Rs 50,000/- in the month of July 2022, Rs 5000/- in the month of September 2022, Rs 95000/- in the month of September 2022, Rs 20,000/- in the month of October 2022, Rs 20,000/- in the month of January 2023, Rs 20,000/- in the month of February 2023, Rs 50,000/- in the month of May 2023 total amount of Rs 405000/- at the office of Nazir of 1st Senior Civil Judge Hyderabad. It is respectfully further submitted that defendant/J.D has deposited an amount in sum of Rs.50,000/- in the month of August 2023, Rs 20000/ in the month of September 2023, Rs 30,000 in the month of December 2023, Rs 25000/- in the month of March 2024, Rs 15000/- in the month of May 2024, Rs 15000/- in the month of May 2024, Rs 20,000/- in the month of August 2024, Rs 30,000/- in the month of August and Rs 30,000/- in the month of September and Rs 25000/- in the month of October 2024, Rs 25000/- in the month of December 2024, Rs 20,000/- in the month of January 2025, Rs 24000/- in the month of February 2025 and Rs 24000/- in the month of March 2025 and Rs 23,000/- in the month of April 2025, total amount of Rs 3,76,000/- (Three lac seventy six thousand rupees) at the office of Nazir of 5th Senior Civil Judge Hyderabad.”

Thereafter, it appears that there was a disconnect between the Petitioner and Respondent resulting in parties hotly contesting that payment terms were either met or not met between them. Accordingly, by order dated 24.10.2025 this bench issued directions to the Executing Court to submit an updated report for the missing period from 24.07.2025 to 24.10.2025. Accordingly, the Executing Court has now submitted a report dated 31.10.2025, wherein the relevant extract of the said report reads as follows:

“...It is respectfully further submitted that defendant/J.D has deposited an amount in sum of Rs.50,000/- in the month of August 2023, Rs 20,000/- in the month of September 2023, Rs 30,000 in the month of December 2023, Rs 25000/- in the month of March 2024, Rs 15000/- in the month of May 2024, Rs 15000/- in the month of May 2024, Rs 20,000/- in the month of August 2024, Rs 30,000/- in the month of August and Rs 30,000/- in the month of September and Rs 25000/- in the month of October 2024, Rs 25000/- in the month of December 2024, Rs 20,000/- in the month of January 2025, Rs 24000/- in the month of February 2025 and Rs 24000/- in the month of March 2025, Rs 23,000/- in the month of April 2025, Rs 24,000/- in the month of May 2025, Rs 20,000/- in the month of June, Rs 23,000/- in the month of August 2025, Rs 25,000/- in the month of September 2025 and Rs 22,000/- in the month of October 2025 total amount of Rs 490,000/- (Four Lac Ninety thousand rupees) at the office of Nazir of 5th Senior Civil Judge Hyderabad.

It is further respectfully submitted that defendant / JD has not deposited any maintenance amount for the month of July-2025.”

The learned counsel for the Petitioner submits that there are still outstanding dues recoverable from the Respondent. Meanwhile counsel for

the Respondent vehemently opposes the same and submits that the Respondent has been fulfilling his obligations in accordance with law and has also submitted certain payments before the Court in District East Karachi which amount has not been incorporated in the report submitted by the learned 7th Family Judge, Hyderabad to this bench. He further submits that Respondent is up to date concerning all payments.

Heard learned counsel. It is a trite proposition that the writ jurisdiction is not a forum for fact finding. Counsel graciously also acknowledge the said proposition and by consent have no objection for this matter to be remanded back to the Executing Court to make a complete assessment of the payments due and / or payable by the Respondent, if any, and proceed with the Execution accordingly in terms of the order dated 24.03.2025 which is also reproduced hereinabove for removal of doubt. The Petition is **disposed of** in the above terms.

JUDGE

Ali.