

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P No. S – 288 of 2025

Hearing of case

1. For orders on CMA No.836/2025 (S/A)
2. For hearing of main case

02.02.2026

Mr. Sartaj Hyder Shar, Advocate for the Petitioner
Respondent No.1 Mst. Tooba Malik present in person
Agha Ather Hussain Pathan, Assistant AG Sindh

O R D E R

Through instant Constitutional Petition, the Petitioner has impugned the judgment dated 26.09.2025 and decree dated 03.10.2025, respectively, passed by the Court of Additional District Judge-II, Sukkur in Family Appeal No.18 of 2025. The said Appeal emanating from judgment and decree dated 05.04.2025 passed by Family Judge, Sukkur in Family Suit No.25 of 2024. The appeal as noted above was preferred by Respondent No.1 and the judgment and decree dated 05.04.2025 was modified through the impugned judgment.

It has been contended by learned counsel for the petitioner that the learned Appellate Court has not appreciated the evidence which was adduced by the respective parties before the learned trial Court. He further contended that the petitioner is of limited means; therefore, he is unable to comply with the modification. Therefore, has impugned the judgment of the Appellate Court. He has further contended that the impugned judgment is liable to be set aside.

Conversely, respondent No.1 appearing in person has stated that the learned trial Court has failed to appreciate the evidence adduced by the parties in this respect she had preferred the above noted Family Appeal. She further contended that the judgment passed by the learned Appellate Court is legally sound and is based on the evidence led by the respective parties. Even otherwise, she has contended that the petitioner has failed to comply with the judgment and decree passed by the trial Court, therefore, the instant petition deserves no consideration.

Learned Assistant AG supported the impugned judgments and has prayed for dismissal of the instant Constitutional Petition.

I have examined the impugned judgment and perused the record. It is apparent that there are several contradictions in the depositions recorded by the petitioner, which disentitle him from relief being sought in the instant Petition. I have specifically confronted, learned counsel for the petitioner as to his opinion on the judgment and decree of the learned trial Court. The petitioner has very candidly conceded that he has no cavil with the judgment and decree of the trial Court. However, on a specific query by me he has frankly conceded that despite the judgment and decree dated 05.04.2025, the petitioner has not complied with the same and has not paid any amount towards the maintenance either to the minor or respondent No.1. Even otherwise, the impugned judgment is well-reasoned and takes into consideration all the evidence adduced before the trial Court. More particularly, it is evident that the deposition of the Respondent No.1, most notably about her ouster from the matrimonial home remained unshaken.

In the light of what has been stated above, the impugned judgment does not require any interference by this Court. Consequently, the instant Petition is, therefore, dismissed along with listed application.

Judge

ARBROTH