

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH**  
**CIRCUIT COURT MIRPURKHAS**

Constitutional Petition No.S-228 of 2025

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**DATE**                      **ORDER WITH SIGNATURE OF JUDGE**

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1. For order on office objection.
2. For hearing of main case.

**10-03-2026.**

Mr. Yar Muhammad Mangrio advocate for the petitioner a/w petitioner.

Mr. Dilawar Hussain Panhwer advocate for the respondent a/w respondent.

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1. The matter was heard at length. Learned counsel for the petitioner pleads that the learned trial Court had decreed Rs.18000/= [Rs.6000/= per month] on account of maintenance till *Iddat* period of the wife/ respondent, which has already been deposited by the petitioner and the same stands satisfied.

2. With respect to the monthly maintenance of the minor, learned counsel pleads that the learned trial Court had fixed the same @ Rs.7000/= from his date of birth, which was increased by the learned Appellate Court as Rs.10,000/= without considering the source of income of the petitioner, whereas that the petitioner is presently earning Rs.40,000/= per month and has already entered into 2<sup>nd</sup> marriage, from which he also has a daughter. Lastly pleads that the petitioner is unable to pay such a huge monthly amount of Rs. 10,000/= and, therefore, same may be reduced to Rs. 3000/= per month, which according to him is the figure, which the petitioner can afford. When calculated, even at Rs. 3000/= per month, from the date of birth of the minor i.e. 11-11-2023 till date (28 months), the total sum comes to Rs.94,000/= out of which, the petitioner's counsel states that Rs. 50,000/= have already been deposited. With respect to balance payment of Rs. 44,000/= on account of maintenance of the minor at Rs. 3000/= per month, which the petitioner claims that he can pay, the petitioner, present in Court, undertakes to deposit the

same within 15 days. The rate of monthly maintenance has been revised by consent of the parties which is recorded at para 4 below.

3. With respect to the meetings of the minor with the petitioner/father, it appears that Guardian and Wards Application was filed by the petitioner, wherein 2/3 meetings were held; however, thereafter, same was dismissed for non-prosecution. Serious note of this fact is taken since it is duty of the petitioner to meet the child and participate in his upbringing, not a matter of right of the petitioner but is a matter of right of the child for his health and welfare, and any negligence on part of any of the parents in this regard could cause adverse effect on the mental health of the child. The petitioner states that he resides at Karachi and due to logistic issues, he is unable to regularly attend the Court. Considering his distant residence, the following meeting schedule between the petitioner and the child is decided by consent of parties:-

- i. Regular Meetings: On the 4<sup>th</sup> Saturday of every month, from 11 am to 1 pm.
- ii. Child's Birthday: from 12 pm till 1 pm.
- iii. Father's Birthday: from 12 pm to 1 pm.
- iv. Eid-ul-Fitr: The first working day after Eid, from 11 am till 1 pm.
- v. Eid-ul-Azha: The first working day after Eid, from 11 am till 1 pm.
- vi. Costs: For each of the above meetings conducted, the father shall deposit Rs.1,000/- with the Court for disbursement to the mother.
- vii. Venue: All Regular Meetings [para (i) to (v)] shall be conducted within the premises and under the monitoring and supervision of the Guardian Court.
- viii. Summer vacations: On the 2<sup>nd</sup> and 4<sup>th</sup> Friday of the 1<sup>st</sup> month of summer vacations, the father may pick up the minor at 11 am, under the supervision of Family Judge, Mirpurkhas, and shall return the minor on the next day at 11 am in Court.
- ix. Winter vacations: In the 1<sup>st</sup> week of winter vacations, on Friday, the father may pick the minor at 11 am under the supervision of the Family Judge, Mirpurkhas and shall return the minor the next day at 11 am in Court.
- x. Exceptions: Notwithstanding the above schedule, this meeting arrangement shall be implemented strictly considering the health and education of the minor

individually, and subject to the ruling by the learned Court.

- xi. Alterations: Only with the express mutual consent of both parents, the above days, timings, venue or occasions can be altered. The educational or health expenses of the minor shall be individually decided by the Guardian Court.
- xii. Education: Mother shall be at liberty to look after the health and education of the minor, in the school of her choice and other day-to-day needs of the child. Both parents may attend important school meetings and other school functions as required, only to build the confidence and better personality of the Child.
- xiii. Maintenance: Starting from 1<sup>st</sup> March 2026, on or before the 1<sup>st</sup> day of each month, the father shall continue to deposit future maintenance of minor with the Family Court, along with increment, if any, as decided by the learned appellate court.
- xiv. Mutual Cooperation: The minor is of impressionable age, and both the parents are required to act sensibly, being conscious of their serious responsibility towards the child, and shall not do any act which may prejudice the mind of the child towards the other parent [2018 SCMR 1991]. Hence, in the best interests of the Child, both parents shall fully cooperate with each other on all matters and documentation(s), etc., as, when and wherever required by the Child's school or NADRA or Union Council or Immigration or any forum/ department/ authority.
- xv. 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 Court.
- xvi. Court: wherever used in this paragraph, shall mean the concerned learned Family Judge, Mirpurkhas at present, and for the future, shall also include the Family Court having jurisdiction under the Family Courts Act, 1964, and the Rules thereunder.

4. The parties undertake to comply with the same in letter and spirit. It is further ordered, by consent of the parties, that the impugned Judgment dated 08-10-2025 passed in Family Appeal No. 33/ 2025 by the learned Additional District Judge-I, Mirpurkhas, is modified to the extent that annual increment of 20% with respect to the maintenance of the minor is reduced to 10% per annum from the date of passing of Decree by the learned trial Court and the monthly maintenance of the minor shall be

Rs.4000/= per month from the date of birth i.e. 11-11-2023 till legal entitlement with 10% annual increment. The petitioner, by consent, further undertakes to deposit outstanding amount of maintenance of the minor within a period of 30 days hereof without fail.

5. With respect to the recovery of dowry articles, learned counsel states that the Execution Application is already pending, which shall be proceeded accordingly.

6. In view of above, the instant Petition is disposed of in above terms.

**JUDGE**

\*Saleem\*

