

IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. S-291 of 2022

(Ali Islam – v – Mst. Mehreen Malik)

Date _____ Order with signature(s) of Judge(s) _____

Hg: / Priority.

1. For orders on office objections.
2. For hearing of Misc. No.1981/22
3. For hearing of main case.

03.12.2025.

Mr. Muhammad Ali Waris Lari, Advocate for Petitioner.

Mr. Rajesh Kumar Khagaija, Advocate for Respondent.

ORDER

Nisar Ahmed Bhanbhro, J. Through this petition, the petitioner has challenged the order dated 11.03.2022 passed by the VII Additional District Judge (East), Karachi in Family Appeal No. 21 of 2022, as well as the order passed by the learned Trial Court in execution proceedings, whereby an application under Order XLVI, CPC filed by the petitioner was dismissed.

2. Learned counsel for the petitioner submits that the Hon'ble Supreme Court of Pakistan has upheld the judgments of the courts below; therefore, the decree sought to be executed is the one passed by the Trial Court. He has referred to the order dated 21.04.2020 passed in CPLA No. 232-K of 2020, available at page 63 of the file, asserting that the Trial Court is required to execute the decree in the manner observed by the Hon'ble Supreme Court of Pakistan.

3. Learned counsel for the respondent, however, contends that the suit filed by the respondent was decreed, and in appeal the decree was modified, and that C.P. No. 1222/2019 was dismissed, thereby maintaining the decree passed by the Trial Court thus Executing Court not passed the final decree.

4. Heard arguments, perused the material available on record.

5. Hon'ble Supreme Court of Pakistan dismissed the CPLA No.232-K of 2022 (re: Mehreen Malik v. Ali Islam) by observing in the following manner:-

“Plaintiff No.1 will be entitled for maintenance, from defendant from the day she resumes her conjugal responsibilities at the rate of Rs.6000/- per month with 10% annul increment. Plaintiff No.2 is entitled for maintenance from defendant at the rate of Rs.4000/- per month from day plaintiff left defendant house i.e. June, 2014 till date and from this date towards at the rate of Rs.6000/- per month with 10% annual increment. Defendant is directed to pay maintenance of plaintiff No.2 till his legal entitlement or joining the respondent. Plaintiff No.1 has failed to establish her claim of medical/delivery expenses. Plaintiff No.1 claim of

passport and birth certificate of Plaintiff No.2 is declined for being beyond the scope of the instant suit.”

6. From a perusal of the above-referred order, it reveals that the Hon’ble Supreme Court of Pakistan refused to interfere with the findings of the impugned judgments. Admittedly, the judgment impugned before the Hon’ble Supreme Court of Pakistan was that of the Appellate Court as well as the order passed by this Court in the constitutional petition. Since no interference was made by the Hon’ble Supreme Court the judgment of the Appellate Court and the order passed by this Court in the constitutional petition have, therefore, attained finality.

7. Under the terms of the decree, the Trial Court is required to execute the decree which has attained finality, and in the present case the judgment and decree passed by the Appellate Court was final. For the reasons mentioned above, no interference is warranted with the findings recorded in the orders passed by the courts below. Accordingly, this petition, being without merit, is dismissed.

JUDGE