

IN THE HIGH COURT OF SINDH AT KARACHI

C.P No.S-1033 of 2026

[Jawad Ahmed V. Mst. Salma and others]

Petitioner : Through M/s. Zaheer Hussain and Sarfaraz Shehzad, Advocates.

Respondents : Nemo.

Date of Hearing : **19.10.2026**

Date of Decision : **19.10.2026**

J U D G M E N T

Abdul Hamid Bhurgri, J.- Through this constitutional petition, the petitioner has challenged the judgment dated 12.09.2026 passed by the learned IIIrd Additional District Judge, Karachi East, in Family Appeal No.256/2025, whereby his appeal was dismissed and the judgment and decree dated 08.11.2025 passed by the learned XVIth Family Judge, Karachi East, in Family Suit No.1785/2024, were maintained to the extent of past maintenance and maintenance for the period of *Iddat*.

2. Briefly, respondent No.1 instituted a family suit seeking dissolution of marriage through *Khula*, recovery of dowry articles, past maintenance and maintenance for the period of *Iddat*. The learned Family Court, vide judgment and decree dated 08.11.2025, granted dissolution of marriage through *Khula* and awarded past maintenance at the rate of Rs.10,000/- per month for twelve months, amounting to Rs.120,000/-, besides Rs.30,000/- towards maintenance for the *Iddat* period. The petitioner challenged the maintenance component of the decree through a statutory appeal, which was dismissed by the learned Appellate Court vide judgment dated 12.09.2026.

3. Learned counsel for the petitioner contended that the Courts below failed to properly appreciate the evidence concerning respondent No.1's voluntary departure from the matrimonial home, the petitioner's willingness to reconcile and his limited financial capacity. It was further argued that the findings regarding entitlement to past maintenance and the quantum of *Iddat*

maintenance suffered from material misreading and non-reading of evidence and were therefore liable to be set aside or modified.

4. I have heard learned counsel for the petitioner and examined the material available on record.

5. It is well settled that the constitutional jurisdiction of this Court under Article 199 of the Constitution is supervisory and corrective in nature and cannot be exercised as a substitute for a second appeal. The legislature, by providing a statutory appellate remedy under Section 14 of the West Pakistan Family Courts Act, 1964, without providing a further appeal, has manifested its intention to ensure expeditious and final adjudication of family disputes and to prevent their prolongation through successive rounds of litigation. Although constitutional jurisdiction is not altogether excluded, its exercise in such matters must remain confined to exceptional circumstances involving patent illegality, jurisdictional defect, perversity or material misreading or non-reading of evidence resulting in miscarriage of justice. Mere disagreement with the appreciation of evidence or the conclusions reached by the Courts below does not furnish a ground for interference under Article 199 of the Constitution. The Honourable Supreme Court has consistently emphasized that the legislative scheme governing family disputes must be respected and that constitutional jurisdiction cannot be invoked to circumvent the statutory restriction on further appeals.^{1,2}

6. Applying the above principles to the present case, the controversy regarding respondent No.1's entitlement to past maintenance and maintenance during the period of *Iddat*, including the petitioner's plea of voluntary separation, reconciliation efforts and financial incapacity, has already been adjudicated upon by the two competent Courts. Learned counsel for the petitioner has failed to point out any material misreading or non-reading of evidence, jurisdictional defect, patent illegality or perversity in the concurrent findings warranting interference under Article 199 of the Constitution. The grounds urged essentially seek reconsideration of factual questions and reassessment of the quantum of maintenance, which would amount to exercising a second appellate jurisdiction not

¹ Arif Fareed v. Bibi Sara and others (2023 SCMR 413).

² M. Hamad Hassan v. Mst. Isma Bukhari and others (2023 SCMR 1434).

contemplated by the statute. No exceptional circumstance or miscarriage of justice has been demonstrated to justify constitutional interference.

7. For the foregoing reasons, I find no illegality, jurisdictional infirmity or perversity in the impugned judgments warranting interference in the exercise of constitutional jurisdiction. Consequently, the instant petition, being devoid of merit, is dismissed in *limine*, along with all listed applications.

JUDGE

Ayaz Gul