

THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Zulfiqar Ali Sangi

C.P. No. S – 1096 of 2026

[Shiraz Ahmed v. Mst. Musk & another]

Petitioner : Shiraz Ahmed son of Khurram Iqbal
through Mr. Muhammad Umar
Panhwar, Advocate.

Date of hearing : 27-10-2026

Date of decision : 27-10-2026

ORDER

Zulfiqar Ali Sangi J.- The Petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, challenging the order dated 01-10-2026 passed by the learned XXVIth Family Judge, Karachi (East) in Family Suit No. 2032 of 2026 - *Baby Musk through Mother Mst. Anam v. Shiraz Ahmed*. By the impugned order, the learned Trial Court allowed the application of Respondent No.1 under Section 17-A of the Family Courts Act, 1964 (the “Act”) and fixed interim maintenance for the minor at Rs. 25,000/- per month. The Petitioner prays that the order be set aside.

2. That Respondent No.1, a minor aged about four years and nine months, through her mother, filed a suit for maintenance against the Petitioner, who is her father. During the pendency of the suit, she moved an application under Section 17-A of the Act seeking interim maintenance at Rs.131,500/- per month, asserting that the Petitioner earns approximately Rs.300,000/- per month. The Petitioner denied the claimed income and the quantum of expenses, but stated that he had been providing for the minor and was willing to pay reasonable maintenance according to his capacity.

3. After hearing the parties and examining the material on record at that stage, the learned Trial Court held that the relationship of father and daughter was admitted and the minor was wholly dependent on her mother. Without entering into a detailed inquiry on the Petitioner's exact income, it fixed Rs.25,000/- per month as interim maintenance, payable on or before the 14th of each month with effect from 01-10-2026, until final disposal of the suit or further orders. The order expressly states that it is tentative and passed without prejudice to the rights and contentions of the parties and that the final quantum will be determined after evidence.

4. Counsel for the Petitioner contended that the impugned order is arbitrary and unsustainable that the Petitioner's income has been wrongly assessed and that the amount fixed is beyond his means. He therefore prayed that the order be set aside.

5. Heard and perused. The Family Courts Act, 1964 provides its own scheme of remedies. A decision or decree of the Family Court is appealable under Section 14, but Section 14(3) expressly provides that no appeal or revision lies against an interim order. The legislature has thus deliberately placed interim orders of Family Courts beyond appellate and revisional scrutiny, so that suits concerning the maintenance of dependants are not stalled by challenges to provisional directions.

6. The impugned order is plainly interim and it was passed under Section 17-A, which enables the Family Court to fix interim maintenance during the pendency of the suit so that the dependant is not left without support. The order is operative only till final disposal of the suit or further orders and finally decides nothing. The Petitioner's real income, the minor's actual expenses and the final quantum all remain open to determination after evidence.

7. The Article 199 of the Constitution of Pakistan, 1973 confers an extraordinary and discretionary jurisdiction. It is not a substitute for

an appeal or revision and it cannot be used to obtain what the statute has withheld. A constitutional petition against an interim order of a Family Court can be entertained, if at all, only where the order is shown to be without jurisdiction, *coram non judice* or *malafide*, so that a patent illegality appears on its face.

8. The Petitioner has not brought his case within that narrow exception. The Trial Court had clear jurisdiction under Section 17-A of the Act. It considered the admitted relationship, the age and reasonable needs of the minor, the material of both sides and the Petitioner's own offer to pay reasonable maintenance and fixed a provisional sum much lower than that claimed. The Petitioner's complaint that his income was wrongly assessed and the amount is excessive raises factual questions that cannot be resolved in constitutional jurisdiction. He may place material of his actual income and liabilities before the Trial Court, seek reconsideration of the interim arrangement and lead evidence at trial, if so advised. The interference at this stage would also delay support to a minor child of tender age, whose welfare is the primary consideration.

9. The impugned order dated 01-10-2026 being an interim order, this petition under Article 199 is not maintainable and is dismissed in *limine* along with pending application(s). However, the Petitioner shall be at liberty to approach the learned Trial Court, which shall decide the matter finally on merits after recording evidence and hearing the parties. Nothing in this order shall be construed as an expression of opinion on the merits of the case and the Trial Court shall decide the suit independently and strictly in accordance with law, uninfluenced by any observation herein.

JUDGE

SHABAN*