

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P.No.S-1665 of 2016.

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For katcha peshi.

15.12.2017.

Mr. Faisal Nadeem Abro, Advocate for the petitioner.

Mr. Aamir Jamil, Advocate alongwith respondent No.3.

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Learned counsel for the petitioner states that ex-parte decree in the matter was obtained by respondent No.3 from the Family Court at Karachi without the knowledge of the petitioner and as such he was unable to participate in the said proceedings. It is further stated that the said order has been challenged in these proceedings alongwith the order/s of the executing Court passed when the said decree was got transferred from Karachi to Hyderabad.

2. Learned counsel for respondent No.3 states that the petitioner has a history of defaulting in discharge of his liabilities and as such the undertaking given by the said petitioner before the executing Court for payment of Rs.10,000/- per month has also failed to materialize. It is further contended on part of learned counsel for respondent No.3 that the petitioner has failed to deposit any amount except Rs.25,000/- as was referred to in these proceedings earlier.

3. Learned counsel for the petitioner in his rebuttal states that the executing Court was not competent to set aside the impugned decree, as such this Court has been approached.

4. Having heard the learned counsels and gone through the record, it is indeed found shameful on part of the petitioner that he has failed to act according to his social / religious as well as moral responsibilities of maintaining his family and the Courts being acted only to ensure that the discharge of his responsibilities is present, which would not have been

required had he acted in a civilized manner. It is also observed that the amount of the maintenance allowed is only Rs.2000/- per month for respondent No.3 and Rs.1500/- per month for the minor, which is so meager that no need is present to disturb the same by any stretch of imagination. It is as such apparent that the liability as no stand against the petitioner is his own doing for which he has only himself to blame.

5. This petition in the circumstances, stands dismissed with costs.

JUDGE

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