

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

C.P No.S-52 of 2021

Order with signature of Judge(s)

Direction

1. For orders on MA No.4384/2024
2. For hearing of MA No.3778/2024
3. For hearing of main case

23.05.2024

Mr. Shafqat Gul Malik, Advocate for the petitioner
Mr. Muhammad Daud Narejo, Advocate for Respondent No.1

Learned counsel for Respondent No.1 has filed two statements, which are taken on record. Main thrust of the arguments of the learned counsel for Respondent No.1 is that he has challenged the impugned judgment and decree, where he was not served and the Court decided the matter *ex parte*. He adds that they have already provided maintenance to the petitioner mother and that the respondent divorced the petitioner on 08.10.2019, copy of such divorce has been furnished alongwith the counter affidavit, therefore the petitioner wife is not eligible for maintenance after that date.

For the period between the date of judgment and the divorce, learned counsel states that he has already provided sum of Rs.960,000/- to the mother. Coming to the question of minor it is stated that there is some confusion as to whether the appellate court that has enhanced the maintenance of the minor from Rs.10,000/- to Rs.15,000/- per month has kept the earlier granted increase of 5% per annum or not. In respect of the maintenance to the minor, learned counsel for the petitioner states that since cost of living has increased, the respondent is willing to pay Rs.20,000/- per month from June, 2024 onwards regularly. Counsel for the petitioner to the contrary states that enhanced increment should be 20% per annum.

Since the judgment of the trial court has already been challenged being rendered *ex parte* and counsel for the petitioner states that he intends to file objections to the respondent's claim that he has divorced the petitioner before the concerned trial court.

In these circumstances, the instant petition is disposed of with direction to the Xth Family Judge, Karachi-West to decide application moved by the respondent husband under Section 9(6) of the Family Courts Act preferably within ninety days and while doing so also consider the aspect of the reasonable annual increase in the quantum of the maintenance to be provided to the minor.

JUDGE

B-K Soomro