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ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.S-1103 of 2024

Date	Order with Signature of Judge
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Azhar Amir Khan *Petitioner*

Versus

Mst. Gul Farheen & others..... *Respondents*

Date of hearing :10.03.2025

Date of Reasons :11.03.2025

Mr. Abu Bakar Khalil, Advocate for the petitioner.
Mr. Muhammad Aqil, Advocate for the respondent.

ORDER

MUHAMMAD JAFFER RAZA,J; - Brief facts pertaining to the instant petition may be summarized as follows: -

1. Vide order dated 24.08.2023 in Family Execution No. 09/2015 emanating from Family Suit No. 504/2009, the learned trial court had enhanced the maintenance of the minor to Rs.25,000/- per month. The said order was not challenged by the Petitioner and only a recalling application was filed on the ground that no service was made. Subsequently, vide order dated 22.04.2024 the recalling application was dismissed by the learned Trial Court and a Family Appeal No. 168/2024 was preferred by the Petitioner. It is pertinent to mention and reiterate that the order dated 24.08.2023 (for enhancement of maintenance) was not the subject matter of the said Family Appeal and the subject matter of the said Appeal was the dismissal order passed on the recalling application. Hence, the scope of the instant petition is restricted to the ground taken in the recalling application. I specifically asked the learned counsel the ground on which the order dated 24.08.2023 could be recalled and she has only referred to the inability of the Petitioner to pay the enhanced maintenance. On a specific question regarding service to the Petitioner prior to passing of the order dated 24.08.2023, learned

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counsel for the Petitioner has been unable to show even a single document through which it can be ascertained that the petitioner was not served prior to the enhancement of maintenance. The learned counsel has only repeatedly referred to the inability of the Petitioner to pay the enhanced maintenance despite the fact that he is working abroad.

2. Learned counsel for the Respondent has very categorically stated that the enhancement of maintenance of Rs.25,000/- for each minor is not exorbitant and nor excessive. He relied upon the Judgment of the Hon'ble Supreme Court in the case of *Qudrat Ullah v. Additional District Judge, Renala Khurd District Okara*¹ in which it was held that the maintenance of Rs.25,000/- per minor is neither excessive nor unjustified. Further learned counsel has stated that enhanced maintenance was not challenged before any forum and hence the scope of this petition is limited and restricted to the contents of recalling application.

I agree with the contention of the learned counsel for the Respondent and hold that the learned counsel for the Petitioner has made no case for exercising the writ jurisdiction of this court as no appeal was preferred against the order dated 24.08.2023 and in that respect the order has attained finality. No ground for interference has been made out and for above reasons the instant petition was dismissed by way of short order dated 10.03.2025.

The above are the reasons for the same.

Judge

Aadil Arab

¹ PLD 2024 S.C. 581