

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. S – 26 of 2025

(*Shoukat Ali Makwal v. Mst. Saima Parveen Maitlo & others*)

Date of hearing : 17.03.2025

Date of decision : 17.03.2025

Respondent No.1, Mst. Saima Parveen, present in person.
Mr. Shahryar Imdad Awan, Assistant Advocate General Sindh.

ORDER

Zulfiqar Ahmad Khan, J. – This petition has been filed by petitioner seeking the following reliefs:

- a. *That this Honourable Court may be pleased to declare the impugned order dated 18.01.2025 as illegal, unlawful, null & void and is liable to be set-aside.*
- b. *That this Honourable Court may further be pleased to grant stay order; thereby suspend the operation of impugned order dated: 18.02.2025; passed by Ld. Family Judge Khairpur in Family Suit No: 501 of 2024 till final disposal of this petition.*
- c. *To award any other relief, this Honourable Court deems fit and proper under the circumstances of the case.*
- d. *To award costs of the petition.*

2. Respondent No.1 filed a suit for recovery of maintenance along with an application under Section 17-A of the Family Courts Act, 1964, for herself and her two children / respondents No.2 and 3, namely Shayan Hyder (aged about 09 years) and Aayat Eman (aged about 07 years). The application for interim maintenance was heard by learned Family Judge, Khairpur in Family Suit No.501 of 2024 and decided in the following terms:

“So looking into the facts and circumstances and without touching the merits of the case the interim maintenance of plaintiff No.01 is declined and so far the maintenance of plaintiff No.2 and No.3 are concerned same is allowed at the rate of Rs.20,000/- per month for each minor, from the date of institution of this suit i.e.

15-11-2024 till final disposal and the same will be adjusted towards the final judgment. The defendant is directed to deposit the sum of Rs.40000/- per month towards the interim maintenance of minors up to 14th of each English month's calendar with the Nazir of this court till final disposal of the case. The order is based on tentative assessment hence, shall not affect the merits of the case. The application stands disposed of accordingly."

The petitioner, instead of contesting the matter before the trial Court on merit, has challenged the aforesaid interim maintenance order through this petition.

3. On 03.03.2025, Counsel for the petitioner requested for time, which was granted with a note of caution that the matter shall be heard and decided on the next date of hearing. On the subsequent date viz. 10.03.2025, none appeared for the petitioner, and respondent No.1 raised objection that the trial Court's order has not been complied with by the petitioner, who is getting adjournments from this Court. Respondent No.1 further stated that she is passing hard days due to non-compliance of the trial Court's order by the petitioner. While adjourning the matter, this Court observed that on account of non-appearance of the petitioner or his Counsel, the matter shall be heard and decided on the basis of available record, but today again, no one is present for the petitioner.

4. Respondent No.1, who is present in person, once again states that she is facing difficulties because she has to travel from Khairpur to Sukkur to attend Court hearings in this case. She further states that the petitioner is unwilling to appear before this Court and follow the trial Court's order to pay interim maintenance, which is causing her a lot of financial and emotional stress.

5. Upon careful consideration of the facts and circumstances of the case, this Court finds no merit in the petition filed by the petitioner. The petitioner seeks to challenge the interim maintenance order passed by the learned Family Judge, which granted interim maintenance of Rs.20,000/- per minor per month for the two minor children of both the petitioner and

respondent No.1. However, the claim of interim maintenance for respondent No.1 has already been declined.

6. The trial Court, after conducting due proceedings, made a tentative assessment to ensure the welfare of the minor children by directing the petitioner to pay interim maintenance. The order explicitly states that the decision on interim maintenance does not prejudice the merits of the case, leaving the final judgment to be determined after full consideration of the evidence and arguments.

7. The petitioner, instead of contesting the matter on its merits before the trial Court, has chosen to seek extraordinary relief by filing this petition. Moreover, the petitioner and his Counsel have repeatedly failed to attend the hearings fixed by this Court, despite clear cautionary notes that the matter would be decided based on the available record. Such inaction and disregard for Court proceedings demonstrate a lack of seriousness and disrespect for judicial processes. On the other hand, respondent No.1 has expressed genuine hardship due to the petitioner's non-compliance with the interim maintenance order.

8. In light of the above, this Court finds no justifiable reason to interfere with the order of the learned Family Judge, Khairpur, whereby interim maintenance has been granted for the minor children, which has been made in the best interest of the children, following proper legal procedures. Accordingly, this petition is **dismissed**. The order dated 18.01.2025 passed by the learned Family Judge, Khairpur in Family Suit No. 501 of 2024 is hereby upheld. The trial Court is directed to proceed with the matter strictly in accordance with the law.

J U D G E

Abdul Basit