

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
CP No.S-1201 of 2025
[Zaheer Abbas Laghari v. Mst. Fakhar-un-Nisa and 4 others]

Date	Order with signature(s) of Judge(s)
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1. For orders on office objection No.1 a/w reply as at A
2. For hearing of CMA No.8054/2025
3. For hearing of main case

02.02.2026

M/s. Sanaullah, Riaz Ahmed and Hussain Bux, advocates for the petitioner
Mr. Raza Mukhtiar Jawahery, advocate for the respondents No.1 to 3
Mr. Muhammad Kamran, AAG

ORDER

Nisar Ahmed Bhanbhro, J. This petition is directed against the concurrent findings of the Courts below, whereby Suit No.205/2024 filed by the respondent was decreed vide judgment and decree dated 03.05.2025 to the extent of maintenance of minors and herself for all dowry articles and Family Appeal No.11 of 2025 was dismissed vide judgment dated 06.10.2025 passed by the Court of IInd Additional District Judge, Thatta.

2. Learned counsel for the petitioner contends that the respondent was divorced in the year 2023 and till then, she was residing with the petitioner and fully paid the maintenance; therefore, imposing maintenance from the year 2019 was not borne out from the record. The petitioner was ready and willing to pay maintenance from the year 2023 and onwards. He, therefore, prayed for modification in the impugned judgments.

3. Learned counsel for the respondent No.1 argued that there is no illegality and infirmity in the impugned judgments of Courts below as since 2019 respondent No.1 alongwith her minor children was residing in her parental house. The petitioner who being father is under obligation to pay maintenance to the minors. He prayed to dismiss the petition.

4. Learned AAG supported the impugned judgments and contended that this Court, under its writ jurisdiction, cannot disturb the concurrent findings on facts rendered by the Courts below; therefore, prayed for dismissal of the petition.

5. Heard arguments and perused the material available on record.

6. From perusal of the record, it reveals that the respondent No.1 filed a suit for recovery of Dowry Articles, Maintenance and Dowry. The suit of the respondent was dismissed for the rest of the claims except the maintenance for herself and the minors.

7. Learned Courts below, on perusal of the evidence, concluded that the minors were entitled for maintenance since 2019 and the wife/respondent until expiry of Iddat period. The petitioner was directed to pay the maintenance amount of Rs.5000/- per child per month. From the appraisal of the evidence, it transpires that the counsel for the petitioner, while cross-examining, had admitted that she was residing in the house of her parents since 2019 alongwith minors; however, the contention of her husband was that she left the house at her own choice. For the sake of convenience, the relevant portion of the cross-examination available at Page-23 of the Court's file is reproduced below:

"It is incorrect to suggest that I have been living in the house of my parents since the year of 2019 at my own choice. Vol says that defendant has drove me out of his house. It is correct to suggest that I have filed instant family suit against the defendant after five years in September 2024."

8. From analysis of the above piece of evidence, it transpires that the respondent was not residing with the petitioner since 2019 and there was no material available on record to say that the petitioner has paid maintenance during the said period. The petitioner being father is under obligation to pay maintenance to the minors and this obligation cannot be done away under any circumstances. The petitioner is a Government Servant and was imposed maintenance of Rs. 5000/- per child per month which during the present days of inflation, is a meagre amount for children to survive.

9. There is no cavil to the proposition that this Court can indulge into concurrent findings of the Courts below when it transpires that there was misreading and non-reading of evidence or jurisdictional error apparent on the face of record which learned counsel for the petitioner has failed to point out.

10. Learned counsel for the petitioner submits that the executing Court may be directed not to attach the salary of the petitioner as he is willing to deposit the said amount. Needless to observe that if the petitioner fails to

deposit the maintenance allowance, the Court can adopt all the measures for recovery, including but not limited to attachment of salary.

11. In the wake of the above discussion, no illegality and perversity has surfaced in the impugned judgments of the Courts below. This petition being devoid of merits is hereby dismissed with no order as to costs alongwith pending applications.

JUDGE

Nadir/PS*