

IN THE HIGH COURT OF SINDH KARACHI

CP No.S-1033 of 2025

(Amna Jatoi v. Jehanzeb Khan Shahani and 2 others)

Petitioner : through Ms. Zahrah Sehr Vayani,
advocate

Respondents : Mr. Raj Ali Wahid Kunwar and Ms. Pia
Ali, advocates

Date of hearing and order: 16.02.2026

ORDER

Nisar Ahmed Bhanbhro, J. This petition is directed against the order dated 26.08.2025 passed by learned XVIth Family Judge, Karachi, South, whereby an application under Section 17-A of the West Pakistan Family Court Act was granted and maintenance of Rs. 140,000/- per month was imposed upon the respondent for both the minors Shahzain Shahani aged about 09 years & Sonie Fatima aged about 05 years.

2. Learned counsel for the petitioner submits that the interim maintenance so granted is quite minimum so that the petitioner is unable to pay off the monthly school fees and other day-to-day expenditures of the minors. She submits that the petitioner had given a schedule of the required monthly payments for maintenance allowance and the same were not considered by the trial Court. She placed reliance upon the cases of **M. Hamad Hassan v. Mst. Isma Bukhari and 2 others¹** and **Arif Fareed v. Bibi Sara and other²**. She prays that the order passed by the Family Court may be reviewed and maintenance allowance may be enhanced.

3. Learned counsel for the respondent opposed the petition on the ground that the respondent was earning an amount of Rs. 2.5 million per year, therefore, the amount imposed was quite reasonable and if enhanced, the respondent would not be in a position to pay enhanced amount. He placed reliance upon the cases of **Mst. Mehnaz Bibi & Ors v. Muhammad Tahir & another³**, **Dr. Muhammad Jawad Jab Arif v. Dr.**

¹ 2023 SCMR 134

² 2023 SCMR 413

³ 2022 MLD 945

Ayesha Chaudhry⁴, Ali Adnan Dar v. Judge Family Court⁵, Muhammad Touseeq Danial v. Ayesha Naeem⁶, Dr. Aqueel Waris v. Ibrahim Aqueel Waris⁷, Nazia Bibi & Ors v. ADJ Ferozewala & Ors⁸. He prayed for dismissal of the petition.

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

5. Though this Court, under its constitutional jurisdiction, sparingly interferes with the interim orders passed by the Family Court as the same are always subject to the final outcome after recording of the evidence. Since in the present case the parties were disputing the maintenance of minors relating to education expenses, therefore, it will be in the fitness of the things to examine the order passed by the trial Court.

6. It has been pointed out that the respondent was paying the amount imposed as interim allowance of Rs.140,000/- by depositing the same with the learned trial Court. Per the schedule of expenses set forth in the application. The school expenses of the minors were about Rs. 157,000/-, including the tuition fees. Besides this, the petitioner was affording the day-to-day expenses of the minors. Under Sharia, the maintenance of minor children is the responsibility of the father, and he cannot evade this obligation under any circumstances, particularly when the minors are residing with the mother. The financial status of the mother shall be a secondary consideration while determining the quantum of maintenance for the minors because father is saddled with prime burden to maintain the children.

7. The Courts seized with the matters, fixing maintenance of minors should pass the interim order with utmost care, focusing particularity the educational need of the minors. The quality of education, in any circumstances, may not be compromised, particularly when it comes to the record that the parties were well-off and capable of educating the minors in quality institutions. Since the mother had lodged minors in the

⁴ 2022 CLC 89

⁵ PLD 2016 Lah. 73

⁶ 2021 MLD 337

⁷ 2020 CLC 131

⁸ PLD 2018 Lah 916

educational institutions, where per her claim, which has not been specifically denied by the respondent, the minors' educational expenses were Rs.1,57,000/- for both the minors, therefore, fixing an amount of Rs.140,000/- was nothing but an act repressive in nature. During proceedings an offer was extended by the learned counsel for the petitioner that the respondent father may pay Rs.160000/- excluding fees of children; such offer was vehemently opposed, however, this offer on the part of the petitioner does not seem to be reasonable as the father, because of the relationship cannot be victimized to pay the money which he cannot arrange through legal means. However, amount of Rs. 140,000/- per month for both minors was not justified in any manner.

8. In the wake of above discussion, this petition is granted. The respondent is directed to pay the amount of Rs. 157000/- as educational expenses to the minors Rs. 40,000/- per month for the maintenance of Shahazain Shahani aged about 09 years & Rs. 20,000/- per month for minor Sonie Fatima aged about 05 years, till final disposal of the Suit. The increased amount of maintenance shall be payable from the month of March, 2026 and for the past, maintenance allowance as ordered by trial Court shall be deemed interim maintenance allowance and the petitioner shall not claim any arrears in that respect. Learned trial Court is directed to conclude the proceedings on the merits. The parties will be at liberty to establish their financial capacities for payment of maintenance to the minors.

9. The petition stands disposed of in the above terms alongwith pending application(s). Office to send a copy of this order to the learned trial Court.

JUDGE

Nadir/PS*