

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No. S-179 of 2023. (Ameer Bux Kuber vs. Mst. Arbela and others)

1. For orders on CMA No.509/2023
2. For the hearing of the main case.

23.02.2026.

Mr. Deedar Ali M. Chohan, Advocate for the Petitioner.
Mr. Agha Athar Hussain, Assistant Advocate General.

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ORDER

Ali Haider 'Ada' J. Through this petition, the petitioner has assailed the impugned judgment and decree dated 07.06.2023 passed by the learned Additional District Judge-IV, Khairpur, whereby the judgment and decree of the learned Family Judge-II, Mirwah, were maintained. Both the judgments and decrees of the Courts below are under challenge in the present proceedings.

2. Respondent No.1, Mst. Arbela instituted a suit for recovery of maintenance against the petitioner on the ground that she was not being properly maintained. Upon conclusion of the trial, the learned Trial Court decreed the suit and awarded maintenance at the rate of Rs. 8,000/- per month from the date of filing of the suit till the existence of the marriage. The said findings were assailed in appeal; however, the learned Appellate Court affirmed the same.

3. Learned counsel for the petitioner contends that the learned trial Court failed to properly consider the material aspects of the case while directing payment of maintenance, and that such erroneous findings were mechanically upheld by the Appellate Court. He further submits that the maintenance is being continued prospectively, even though the marriage between the parties has already been dissolved.

4. Conversely, respondent No.1, though represented through counsel, is called absent without intimation. Learned Assistant Advocate General submits that the contention of the petitioner is misconceived, as the maintenance was rightly awarded and is confined only to the subsistence of the marriage. It is argued that no case for interference is made out.

5. Heard and perused the material available on record.

6. The learned trial Court, after appreciating the evidence, observed that the claim of maintenance set up by respondent No.1 was not effectively rebutted by the petitioner during the trial. Consequently, maintenance at the rate of Rs. 8,000/- per month was awarded from the date of institution of the suit till subsistence of the marriage. The Appellate Court, upon reappraisal of the record, concurred with the findings so recorded. Maintenance is a legally recognized right of a wife, and it is the obligation of the husband to maintain her during the subsistence of marriage. In this regard, reliance may be placed upon the judgment of the Hon'ble Supreme Court in **Ambreen Akram v. Asad Ullah Khan, (2026 SCMR 1)**, wherein it has been held that maintenance is one of the rights accruing after consummation of marriage, and it is the primary responsibility of the husband to maintain his wife.

7. So far as the contention that the maintenance has been continued indefinitely is concerned, the same is misconceived, as the decree clearly stipulates that maintenance is payable only till the subsistence of marriage.

8. In view of the above, no illegality or material irregularity has been pointed out, warranting interference by this Court in its constitutional jurisdiction. Consequently, the instant petition is dismissed, with no order as to costs.

JUDGE