

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
C.P. No. S-67 of 2026  
(*Sultan v Hina Shaikh & another*)

Date	Order with signature of Judge(s)
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**Before:-**

**Mr. Justice Adnan-ul-Karim Memon**

**Date of hearing and Order: 11.05.2026**

Barrister Fahad Hussain advocate for the petitioner.

M/s. Aqeel Ali and Abdul Karim advocates for the respondent

Mr. Ali Safdar Depar, AAG

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**ORDER**

**Adnan-ul-Karim Memon, J** Petitioner Sultan has filed this petition under Article 199 of the Constitution seeking to set aside the orders dated 27.05.2025 and 23.08.2025 whereby interim maintenance of Rs.40,000/- per month was fixed and his salary/account was attached for deduction of the said amount. He further sought declaration that the order regarding attachment and deduction of salary was/is illegal, without jurisdiction and contrary to Section 17-A of the West Pakistan Family Courts Act, 1964, besides suspension of the impugned order during pendency of the petition.

2. Learned counsel for the petitioner contended that although the petitioner had been regularly paying the maintenance amount through deductions made by respondent No.2/Bank, the learned trial Court illegally ordered attachment of his salary/account. He argued that under Section 17-A of the West Pakistan Family Courts Act, 1964, the only consequence for non-payment of interim maintenance is striking off the defence of the petitioner/defendant. He further submitted that the petitioner had moved an application expressing willingness to pay reasonable maintenance, however the same was dismissed by the learned trial Court. He prayed to allow this Petition.

3. Conversely, respondent No.1 filed statement contending that the petitioner's own written statement before the trial Court reflected monthly income exceeding Rs.250,000/-, therefore the interim maintenance awarded by the learned trial Court was/is justified and in accordance with law. he prayed to dismiss the petition.

4. I have heard the learned counsel for the parties and perused the record with their assistance.

5. It appears that the learned Court decided the application filed under Section 17-A of the West Pakistan Family Courts Act, 1964. The respondents/plaintiffs contended that the petitioner, being employed at Sindh Bank, had sufficient financial means, whereas the petitioner claimed that his monthly income was only Rs.30,000/- to Rs.35,000/- and he could not afford the claimed maintenance. Upon examining the salary slip, the learned Court observed that the petitioner's income exceeded Rs.100,000/- per month including

allowances. The Court further noted that minor Asadullah, being the son of the petitioner, was residing with his respondent-mother and maternal grandfather, and that the petitioner, as father, was/is legally and religiously bound to maintain him according to his financial status. Consequently, considering the needs of the minor and prevailing inflation, the learned Court directed the petitioner to pay interim maintenance of Rs.40,000/- per month with effect from January 2025 till final disposal of the suit, while clarifying that the observations were tentative in nature. However petitioner had failed to comply with the earlier order as discussed supra and had not deposited a single penny towards maintenance of the minor; therefore, he was held not entitled to any concession. Consequently, his application for reduction of interim maintenance was also dismissed vide order dated 24.10.2025.

6. It transpires that the learned Family Court, while exercising jurisdiction under Section 17-A of the West Pakistan Family Courts Act, 1964, fixed interim maintenance for the minor at Rs.40,000/- per month on the basis of available salary record showing that the petitioner's income exceeded Rs.100,000/- per month. The record further reflects that despite clear directions, the petitioner failed to comply with the maintenance order and did not deposit any amount for the welfare of the minor.

7. It is well-settled that the primary consideration in matters of maintenance is the welfare and financial needs of the minor, coupled with the financial capacity of the father. The learned trial Court, after evaluating the evidence on record, exercised its discretion in fixing interim maintenance, which cannot be termed as arbitrary or without jurisdiction. Moreover, in view of persistent non-compliance by the petitioner, the Court rightly declined to extend any discretionary relief for reduction of maintenance.

8. As regards the contention that Section 17-A provides only for striking off defence, it is noted that such provision does not curtail the inherent authority of the Family Court to ensure compliance of its lawful orders, including interim maintenance, particularly for the welfare of a minor child. The subsequent order dated 24.10.2025 also demonstrates that the petitioner's conduct disentitled him from any equitable relief, having failed to obey the earlier order.

9. In view of the above, no illegality or jurisdictional defect is found in the impugned orders dated 27.05.2025, 23.08.2025, and 24.10.2025. Accordingly, this petition being devoid of merit is dismissed along with pending application(s), and the interim maintenance order shall remain intact till final adjudication of the suit.

JUDGE