

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. S-252 of 2016

Date	Order with signature(s) of Judge(s)
Disposed off Matter.	

1. For hearing of Misc. No.155/2021

12.08.2026.

Mr. Ehteshamullah Khan, Advocate for the Petitioner.

Mr. Fahad Mushafy, Advocate for Respondent.

Chaudhry Muhammad Rafique Rajori, AAG.

This petition was directed against the concurrent findings of the Courts below and was disposed of vide order dated 13.11.2018, whereby the petitioner was directed to pay a sum of Rs.50,000/- per month, including the current month's maintenance allowance. The maintenance amount of Rs.5,000/- per month was directed to be increased by 20% per annum. The instant CMA has been filed by the respondent seeking certain corrections. It appears from the record that the order does not require any modification or correction, as it is clearly stated in the order dated 13.11.2018 that the petitioner shall return the jewelry as mentioned prior to the date of marriage. As far as the jewelry/articles are concerned, the order passed by the learned Appellate Court was upheld. It is the case of the petitioner that he has failed to pay the entire amount, whereas the respondent has disputed the said fact by filing a statement, which shows that the petitioner has paid only Rs.5,25,000/- towards maintenance. In the given circumstances, this application is disposed of with the following directions:-

The learned Trial Court/Executing Court shall first determine the amount payable by the petitioner to the respondent and thereafter calculate the entire amount already paid by the petitioner towards maintenance. The balance amount of maintenance, if any, shall then be deposited by the petitioner in accordance with the directions contained in the order dated 13.11.2018. In case any amount remains payable by the petitioner and the petitioner fails to pay the same and/or return the articles as mentioned in the decree, the learned Executing Court shall ensure that the decree is executed in its letter and spirit. In the event of failure on the part of the petitioner to pay the maintenance amount and/or the dowry amount/ articles, or if the same has already been determined as payable, the outstanding amount shall be recovered as arrears of land revenue by following the procedure prescribed under the Land Revenue Act, 1967.

The learned Trial Court/Executing Court is directed to execute the decree within a period of 60 days and submit a compliance report to this Court. Office is directed to send a copy of this order to the learned Trial Court/Executing Court for compliance. MIT-II shall ensure compliance.

JUDGE