

ORDER SHEET

IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. S-614 of 2026

(Waqar Ali Bangash versus Mst. Zoya Ali & others)

Date	Order with signature(s) of Judge(s)
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Date of hearing and order: 07.09.2026

Petitioner: Through Mr. Imran Khan, Advocate

Respondent No.1: Mst. Zoya Ali present in person.

For State Mr. K.A Vasvani

ORDER

Nisar Ahmed Bhanbhro, J. This petition impugns the concurrent findings of facts, whereby Family Appeal No.09 of 2026 [*Waqar Ali Bangash versus Mst. Zoya Ali*] was dismissed by the learned Additional District Judge-II Malir (Appellate Court) vide Judgment dated 24-04-2026, and the Judgment and Decree dated 12-01-2026 passed by Learned Family Judge Malir (Trial Court) in Family Suit No.19 of 2024 [*Mst. Zoya Ali versus Waqar Ali Bangash*] was maintained.

2. Learned counsel for the Petitioner contended that Petitioner was condemned unheard during trial, as he was debarred from filing his written statement and leading evidence, and the Suit was decreed in ex parte. He further contended that the stance of Respondent No.1 regarding nikah is self contradictory, as she stated

in plaint that the marriage was solemnized on 15.01.2021, whereas a Nikahnama dated 02.02.2021 was annexed with the plaint. He further contended that, nikah was solemnized on 02.02.2021, the dower amount was fixed as Rs.50,000/-, whereas subsequently, by manipulation, another Nikahnama dated 15.01.2021 was managed, wherein the dower amount was shown as Rs.5,00,000/-. Learned counsel further contended that the maintenance allowance of Rs.10,000/- per month was also imposed in violation of settled expositions of law; that learned Trial Court failed to consider the financial and social status of Petitioner while inflicting the amount of maintenance. He contended that Petitioner pronounced divorce on 10.09.2022; however, learned trial Court did not accept such plea and held that marriage between the parties was still subsisting. He further contended that concurrent findings of fact were contrary to the record and suffered from serious misreading and non-reading of evidence, therefore, were not sustainable in law and liable to be set aside. He prayed for allowing the petition.

3. Respondent No.1 present in person and submitted that marriage between the parties is still intact. She contended that marriage was solemnized on 15.01.2021 and, since then Petitioner has failed to maintain her. She submitted that learned Courts below rightly decreed the Suit. She, therefore, prayed for dismissal of the instant petition.

4. Learned Assistant Advocate General supported the impugned judgments and contended that findings of the Court below were well reasoned and based upon material available on record. He prayed to dismiss the petition.

5. Heard learned counsel for the parties and perused the material available on record.

6. Record revealed that Respondent No.1 filed a Suit for recovery of dower and maintenance. Respondent No 1 filed an application under Section 17-A of the Family Courts Act, 1964 for grant of interim maintenance. After hearing the parties application was allowed vide Order dated 12.04.2025, whereby the Petitioner was directed to pay maintenance to Respondent No.1 at the rate of Rs.10,000/- per month till final disposal of the Suit. Consequently, several opportunities were afforded to the Petitioner to comply with the said Order but he failed; instead Family Appeal No.43 of 2025, which was dismissed by the learned Appellate Court, Malir, vide Order dated 06.10.2025. The failure of the Petitioner to pay interim maintenance directed under section 17 - A of the Family Courts Act, 1964, invited penal consequences envisaged under the referred provisions as such Petitioner's right to defend the Suit was struck off, where after the proceedings were conducted ex parte. Respondent No.1 submitted her affidavit-in-evidence. She also filed an application seeking verification of both Nikahnamas dated

15.01.2021 and 02.02.2021, as well as the divorce registration certificate relied upon by the Petitioner.

7. Pursuant to Trial Court's direction, for verification of nikahnama and divorce deed, report was furnished by the concerned Union Council. From the report, it transpired that divorce deed relied upon by Petitioner was fake, whereas the Nikahnama dated 02.02.2021 was found bogus and not registered with the Union Council, whereas Nikahnama dated 15.01.2021 was reported to be genuine. Since the divorce deed relied upon by Petitioner was found to be fake, the marriage between the parties was held to subsist. The Nikahnama verified from the official record contained the dower amount of Rs.5,00,000/-. Consequently, after recording the evidence of Respondent No.1, the Suit was decreed by the learned trial Court for payment of dower amount of Rs 500, 000 and maintenance allowance of Rs 10,000 per month with an increase of 10 % per annum. Learned Appellate Court maintained the Judgment and Decree, observing that the claim of Respondent No.1 was substantiated not only by her evidence but also by the documents verified from the concerned Union Council. The Respondent No 1's evidence remained un-shattered coupled with the confirmation of her stance from the official record, with regard to nikahnama divorce and dower amount. Contention of Learned Counsel that maintenance amount was imposed without taking into consideration the financial and social status of parties has no nexus with the findings as a meagre amount of Rs 10,000 per month was

fixed, which hardly catered to the needs of a person in particular for a lady leading secluded life. Instead the Petitioner would have offered a joint life to Respondent No 1, he managed a fake divorce deed to avoid payment of maintenance, as such the conduct of Petitioner was sufficient ground to impose a heavier amount but learned Courts below took a lenient view while imposing maintenance amount.

8. This Court, in its constitutional jurisdiction, is not inclined to interfere with concurrent findings of fact unless the same are shown to be the result of misreading or non-reading of evidence available on record or suffered from jurisdictional defect. In the present case, no exception can be taken to the findings recorded by learned Courts below as no infirmity, illegibility or jurisdictional defect has surfaced or pointed out by Learned Counsel for the Petitioner.

9. Accordingly, this petition, being devoid of merit, is *dismissed*, with no order as to costs.

JUDGE

Approved for reporting

Jamil