

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No.S-310 of 2025.

Amir Amanullah Solangi Vs. Mst. Anam Memon and others.

Petitioner:

Amir Amanullah Solangi **in-person.**

Respondent No.1:

NEMO

Respondent No.2&3:

Mr. Allah Bachayo Soomro, Additional Advocate General, Sindh.

Date of hearing:

09.02.2026.

Date of decision:

09.02.2026.

ORDER

RIAZAT ALI SAHAR, J.- Through this Petition, the interim order for maintenance of a child passed by learned Judge, Family Court, Hyderabad “Trial Court” dated 14.07.2025 in Family Suit No.2048 of 2024 (Re: Mst. Anum Memon Vs. Asim Solangi) has been assailed, whereby the learned Trial Court allowed the Application of Respondent No.1/ plaintiff filed U/s 17-A of West Pakistan Family Courts Act, 1964.

2. To understand the controversy of the matter in hand, the necessary facts of the case are that the Respondent No.1 (Mst. Anam Memon) filed Family Suit No.2048 of 2024 against defendant / Asim Solangi for return of dowry articles, payment of delivery expenses and maintenance for plaintiff & minor. During pendency of the said Suit, an Application U/s 17-A of West Pakistan Family Courts Act, 1964 was moved by the plaintiff for interim maintenance of minor. The said Application was allowed vide order dated 14.07.2025 with direction to defendant / Petitioner’s son Asim Solangi to pay the interim maintenance to minor through plaintiff / Respondent No.1 at the rate of Rs.30,000/- (Rupees Thirty Thousand per month) for minor namely Muhammad Ibrahim till further order. Thus, being aggrieved and dissatisfied, the said order has been impugned through this Petition.

3. The Petitioner Amir Amanullah Solangi submitted that he is an attorney of his son / defendant (Asim Solangi) and he further contended that

the interim maintenance amount so awarded by the learned Trial Court is beyond the capacity of his son as his son earns only \$1000 USD and unable to pay the maintenance amount at the rate of Rs.30,000/- per month only for minor. He prayed that the amount may be reduced as his son is also studying in USA, therefore, he could not meet his daily routine expenses.

4. During the course of arguments, the Petitioner on Court's query as to whether his son at the time of execution of power of attorney was available in Pakistan or USA, he replied that his son is in USA since long time. The record reflects that the power of attorney so filed in this Petition has been attested by one Faheem Illahi Memon Advocate Notary Public, Hyderabad. The Petitioner also remained silent on query that how this Special Power of Attorney was executed without adopting the proper procedure i.e. through Embassy of Pakistan in USA. Since, the father / attorney himself admitted that his son is living in USA since long time, then how the signature of executant was attested by the Notary Public in the absence of executant. It is mandatory requirement that even if a power of attorney executed in a foreign territory is to be attested by the Pakistan Embassy / Consulate in that country otherwise it has no legal value, therefore, apparently the instant Petition has not been filed by an authorized person under the law.

5. In view of above, the instant Petition being filed by an unauthorized person who is father of defendant in Family Suit No.2048 of 2024 having no authenticated power of attorney is **dismissed** alongwith pending application(s), if any. However, the office is directed to call explanation from Faheem Illahi Memon, Advocate Notary Public, Hyderabad who has attested the document i.e. Special Power of Attorney on 06.02.2025 in the absence of executant namely Asim Amir Solangi.

JUDGE

Ali.