

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. S-579 of 2026
(Faizan – vs – Mst. Saleena)

Date	Order with signature(s) of Judge(s)
------	-------------------------------------

Fresh Case.

1. For orders on Misc. No.5022/2026
2. For orders on office objection No.1
3. For orders on Misc. No.4158/2026
4. For orders on Misc. No.4159/2026
5. For hearing of main case.

03.08.2026.

Mr. Muhsin Ali Soomro, Advocate for the Petitioner.

This petition is directed against the order dated 05.05.2026 passed in Family Suit No.518 of 2023 and Execution Application No.47/2025 by the learned XVIIth Family Judge (South) Karachi (re: Mst. Saleena & Others vs. Muhammad Faizan) whereby execution application filed by the respondent was allowed.

2. Counsel for the petitioner contends that the order passed by the learned Executing Court is without jurisdiction and judgment and decree has been passed in the absence of the petitioner, which needs interference of this Court. He contends that petitioner is financially unstable to pay the decretal amount. He prays to allow the instant petition.

3. Heard arguments and perused the material available on record.

4. The record reflects that the suit was decreed vide judgment and decree dated 13.11.2024 by this Court. No appeal was preferred against the said judgment and decree, which therefore attained finality. During the execution proceedings, the petitioner, being the judgment-debtor, requested the learned Executing Court to allow him to pay the decretal amount in installments. The said request was accepted by the learned Executing Court. For the sake of convenience para-4 of the judgment is reproduced herein below:-

“4. Counsel for JD appeared and filed objection and also filed application u/s. 151 CPC for installment. Today the matter was fixed for hearing on main execution application as well as order on application for installment. Heard learned counsel for both the parties and perused the record. The record reveals that the Family Suit No.518/2023 was decided vide Judgment and Decree dated 13.11.2024. Admittedly, the court has to get its decree executed, and there is no other alternate except to allow the execution application. In the circumstances, I hereby allow this execution application as per decree with following directions to J.D.

- i. *The J.D shall pay 50% of the decretal amount (arrears) till 30.06.2025 as first installment.*
- ii. *Thereafter, the J.D shall pay a sum of Rs.3,00,000/-(Rupees Three Lacs Only) on quarterly basis, commencing after payment of the first installment, towards liquidation of the remaining arrears of maintenance, until the entire decretal amount is fully satisfied.*
- iii. *The J.D shall, in addition, continue to pay the monthly maintenance regularly and punctually in terms of the Decree of this Court, without any default.*
- iv. *Further the J.D. shall handover the dowry articles to the D.H as per the Decree within 30 days from the date of this order.”*

5. Since the judgment and decree has attained finality and no appeal has been preferred and the petitioner himself agreed to pay the decretal amount in installments and such request is accorded to by the Executing Court, therefore no case for indulgence of this Court is made out in its constitutional jurisdiction. Consequently; the instant petition is hereby dismissed in limine alongwith all listed applications.

JUDGE