

IN THE HIGH COURT OF SINDH AT KARACHI

C.P No.S-397 of 2025

[Sakib Ali Mahesar V. Faria Khan Laghari and others]

Petitioner : Through Mr. Mumtaz Ali Metlo, Advocate.

Respondents : Through Mr. Javed Ahmed Qazi assisted by
Ms. Sadaf Gul Memon, Advocates.

Date of Hearing : 21.09.2026

Date of Order : 21.09.2026

ORDER

Abdul Hamid Bhurgri, J.- Through this petition under Article 199 of the Constitution, the petitioner impugns the order dated 30.04.2025 passed by the learned XIXth Family Judge, District South, Karachi, in Family Suit No.323 of 2025. That order disposed of the application under Section 17-A of the Family Courts Act, 1964 and fixed interim maintenance of the minor at Rs.150,000/- per month with effect from May 2025.

2. Learned counsel for the petitioner contends that the amount is excessive, as the petitioner's income is Rs.800,000/- per year. Learned counsel for respondent No.1 has raised a preliminary objection under Section 14(3) of the Act, 1964, and has placed on record documents and photographs showing that the petitioner owns a petrol pump, agricultural land and interests in housing schemes.

3. I have heard the learned counsel and perused the record.

4. The impugned order is interim in nature, and the legislature has barred appeal and revision against such orders. The constitutional jurisdiction of this Court is therefore limited. It cannot be used as a substitute for the remedies the statute has withheld. It can be invoked only for lack of jurisdiction, mala fides or patent illegality, and the petitioner has shown none of these. Reliance is placed upon the cases of Arif Fareed V. Bibi Sara & others (2023 SCMR 413) and Hammad Hassan V. Mst. Isma Bukhari (2023 SCMR 1434).

5. Prima facie, respondent No.1 has placed documentary material showing that the petitioner has assets and the means to pay the amount ordered. The petitioner has produced no document in rebuttal

and has not even filed his income tax returns to substantiate the claimed income of Rs.800,000/- per year. The petitioner's income and assets are disputed questions of fact that can be determined only by recording evidence, which cannot be done in constitutional jurisdiction. The trial court has itself recorded that its order rests on tentative assessment and does not affect the merits.

6. In these circumstances, the impugned order does not warrant interference and is maintained. The petition is dismissed along with the pending application(s), including CMA No.3347 of 2025, with the following directions:

7. The interim order dated 08.04.2026, whereby the petitioner was directed to pay maintenance at Rs.50,000/- per month with effect from 01.07.2025, stands merged in this order. The amounts paid or deposited by the petitioner under that order, or otherwise towards maintenance, shall be adjusted against the maintenance due from him under the impugned order at Rs.150,000/- per month with effect from May 2025.

8. The learned trial Court shall, after verification of the record, calculate the balance amount due from the petitioner within fifteen (15) days from receipt of this order, and shall intimate the same to the parties.

9. The petitioner shall pay the balance amount so calculated within thirty (30) days thereafter. In case of default, the learned trial Court shall be at liberty to pass an appropriate order in accordance with law for its recovery.

10. The petitioner shall continue to deposit maintenance at Rs.150,000/- per month before the learned trial Court on or before the 14th of each English calendar month, as directed by the trial court.

11. The learned trial Court shall decide the pending maintenance application expeditiously, preferably within two (2) months from the date of receipt of this order.

12. It is clarified that this Court has not decided anything on merits. The observations made here are tentative and shall not influence

the learned trial Court, which shall decide the matter independently and in accordance with law.

Office is directed to transmit a copy of this order to the learned trial Court for compliance.

JUDGE

Ayaz Gul