

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P No.S-1572 & 1573 of 2015

Date

Order with signature of Judge

For orders as to Non-prosecution of review appln. No.02/2016

14.04.2016

Mr. Muhammad Khalid, advocate for
Petitioner.

Mr. Naved Ahmed Khan, advocate for
Respondent.

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Mr. Naved Ahmed Khan, advocate files power on behalf of the Respondent in both the petitions. These petitions were disposed of by order dated 23.11.2015 even without notice to the respondents. Learned counsel has in fact conceded that the rate of maintenance was determined by the trial court in exparte proceeding @ Rs.6,000/- per month and this petitions were disposed of only by giving relief of reducing the amount of maintenance Rs.4,000/- per month instead of Rs.6,000/- per month with directions to contest the suit for maintenance pending before trial court. In the order dated **23.11.2015**, not a single word of the order of tiral court impugned in this petition was charged / modified and thus orders of the trial court were intact and the figure Rs.6,000/- was to be read as Rs.4,000/-. Therefore, the petitioner was under liability to deposit a sum of Rs.4,000/- per month exactly in terms of the directions of the trial court. However, it transpired today from the arguments advanced by the learned counsel for the respondent and after going through the record that the petitioner has not complied with order dated **23.11.2015** in letter and spirit by not

depositing amount of Rs.4,000/- per month in respect of each ward as it was directed by the trial court in the impugned order. It appears that this order has been interpreted by the petitioner to his advantage deposited only Rs.4000/- in lum sum and claimed compliance of court order. This was willful no compliance since the order of maintenance was per child and this court has not modified that part of the order. The petitioner is directed to the difference of amount within one week with the Nazir of trial court as ordered earlier and if not deposited within one week this petition will be dismissed with heavy cost of Rs.50,000/- each.

To come up on 26.4.2016.

JUDGE

SM