

ORDER-SHEET  
**IN THE HIGH COURT OF SINDH CIRCUIT COURT  
HYDERABAD**

Constitutional Petition No.S-2172 of 2018

(Ashique Ali v. Mst. Yasmeen & others)

Date of hearing: 22.04.2019.  
Date of order: 22.04.2019.  
Petitioner: Ashique Ali through Mr. Meer M.Buriro,  
advocate.  
Respondent No.1: No notice issued.  
Respondents No.2&3: Formal party.

**ORDER**

FAHIM AHMED SIDDIQUI, J: - Through instant constitutional petition, the petitioner has impugned the order dated 24.11.2018 passed in Family Appeal No.08 / 2018.

2. From the impugned order it transpires that the same was passed upon an offer of payment to be made by the petitioner. The relevant portion of the impugned order is as under :-

*“In view of the above circumstances and conduct of JD/applicant shows that he is willing to pay the amount as he is directed by the court but due to financial crises and unemployment he is unable to pay the huge amount at once, therefore, while taking lenient view the instant application is allowed with direction to JD/applicant that he shall pay Rs.100,000/-(one lac) from past maintenance at once within one month and he shall also pay the remaining amount from past maintenance in installments of Rs.15000/- with addition to current maintenance on 10<sup>th</sup> of each calendar month. The application is disposed of accordingly”.*

3. Learned counsel for the petitioner when confronted to the

above position said that the offer was made by the petitioner as at that time he was able to pay the amount but subsequently he is unable to pay even the amount already offered by him. The learned counsel further submits that respondent No.1 herself being employed earning handsome amount, as such, it would not be proper to burdenize the petitioner.

4. I am of the view that the impugned order was properly passed. It reflects from the impugned order that the petitioner is lingering on the matter since 2011 and is not ready to maintain his own family, therefore, it will not be proper to allow the petitioner further lingering on the matter before this forum, as such, instant petition is dismissed in *limine*.

**JUDGE**

\*Abdullah Channa/PS\*  
Hyderabad.  
Dated 22.04.2019