

IN THE HIGH COURT OF SINDH AT KARACHI

**Constitutional Petition No.1063/2019**

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DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)  
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**Before: Mr. Justice Nazar Akbar**

Petitioner: Syed Mashood Ali through  
Mr. Muhammad Hafeez Sandhu,  
Advocate.

**Versus**

Respondent No.1: Mst. Maria,  
Respondent No.2: Master Syed Maaz Ali,  
Respondent No.3: XXXII Family Judge East, Karachi.  
Respondent No.4: VII Addl. District Judge Karachi East.  
Date of hearing: **28.02.2020**  
Date of Judgment : **28.02.2020**

**JUDGMENT**

**NAZAR AKBAR, J.** The petitioner through this constitutional petition has challenged the order dated **03.09.2019** passed by VIIth Addl. District Judge, East Karachi in Family Appeal **No.107/2017** whereby judgment of the trial Court passed in Family Suit **No.732/2015** dated **21.04.2017** by XXXIIth Civil/Family Judge & East Karachi was maintained.

2. Briefly stated the facts of the case are that Respondent No.1 filed Suit **No.732/2015** for recovery of maintenance in the Family Court. On service the petitioner filed written statement denying the allegations and raising dispute of factual nature.

3. After framing of issues, recording of evidence and hearing the parties, learned trial Court by order dated **21.04.2017** partly decreed the suit of Respondent No.1 in the following terms:-

“In view of above circumstances and conclusion on above issues. From the available evidence on record it reveals that the plaintiff has remained herself away from the defendant. So, she is not entitled for her claim maintenance. But the Plaintiff No.1 is entitled for maintenance of the minor at the rate of Rs.8000/- per month from the date of filing of suit to till today and also for future at the rate of Rs.15000/- per month with 10% annual increment till the minor / plaintiff No.2 he attains the age of majority or he rejoins the defendant. The defendant is directed to pay the same. It is clarified that whatever the defendant has been paid towards the interim maintenance of the minors as per order of this Court should be adjusted in their past maintenance. Plaintiff is also entitled for claim of delivery expenses at the sum of Rs.100,000/-. The defendant is directed to pay the same. Suit of the plaintiff is partly decreed”.

The petitioner/appellant filed appeal which was disposed of by the appellate Court. Learned VIIIth Additional Sessions Judge, Karachi East, dismissed the Family Appeal **No.107/2017** by judgment dated **03.09.2019** filed by the petitioner in the following terms:-

“In view of the above discussion, there is no material irregularity or illegality in the impugned judgment dated 21.04.2017 which does not call requires for interference by this Court.

For what has been discussed above, the impugned judgment dated 21.04.2017 is maintained consequently the instant appeal is dismissed, with no order as to costs”.

The petitioner has preferred instant petition against the two judgments.

4. I have heard learned counsel for the petitioner and perused the record.

5. Learned counsel for the petitioner has assailed both the orders but unfortunately he has not identified any misreading and non-reading of evidence in coming to the conclusion by both the Courts below, not a single sentence from the evidence of either side has been referred to by the learned counsel to assert that the two judgments suffer from any illegality on account of misreading of evidence. Be that as it may, at least no case is made out for interference in the concurrent findings by this Court in exercise of its constitutional jurisdiction. It is settled law that constitution petition does not lie against concurrent findings of facts.

6. In view of the above discussion, this petition is dismissed alongwith listed application being not maintainable.

JUDGE

Karachi  
Dated:28.02.2020

SM