

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No.1222/2019

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

Before: Mr. Justice Nazar Akbar

Petitioner: Ali Aslam through
Ms. Shahida Nasreen, Advocate.

Versus

Respondent No.1: Mst. Mehreen Mali,

Respondent No.2: Master Muhammad Aliyan,
through Mr. Qaiser Jamil A. Mallick,
Advocate.

Respondent No.3: VIIIth Family Judge, East Karachi.

Respondent No.3: IIIrd Additional District Judge, East
Karachi.

Date of hearing: **03.03.2020**

Date of Judgment : **03.03.2020**

JUDGMENT

NAZAR AKBAR, J. The petitioner through this constitutional petition has challenged the order dated **10.10.2017** passed by IIIrd Addl. District Judge, East Karachi, in Family Appeal **No.88/2017**, whereby with certain modification the order dated **20.3.2017** passed by VIIIth Family Judge, East Karachi in Family Suit **No.1216/2015** was maintained. Respondent No.1 was not satisfied with the judgment and decree dated **20.03.2017** filed an appeal against the said order bearing Family Appeal **No.88/2017** which was also disposed of with certain modification.

2. Briefly stated the facts of the case are that Respondent No.1 filed Suit No.1216/2017 for maintenance, recovery of maternity expenses and return of certain personal belongings in the Family Court. On service the petitioner filed written statement and partly admitted some facts and denied rest of 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 **20.03.2017** decreed the suit of Respondent No.1 in the following terms:-

“Plaintiff No.1 will be entitled for maintenance from defendant from the day she resumes her conjugal responsibilities at the rate of Rs.6000/- per month with 10% annual increment. Plaintiff No.2 is entitled for maintenance from defendant at the rate of Rs.4,000/- per month from day plaintiffs left defendant house i.e. June 2014 till date and from this date onwards at the rate of Rs.6,000/- per month with 10% annual increment. Defendant is directed to pay maintenance of plaintiff No.2 till his legal entitlement or joining the respondent. Plaintiff No.1 has failed to establish her claim of medical/delivery expenses. Plaintiff No.1 claim of passport and birth certificate of plaintiff No.2 is declined for being beyond the scope of the instant suit”.

Respondent No.1 filed appeal, which was disposed of with certain modification by the Appellate Court. The Appellate order was more or less the same except that future maintenance of only minor was re-fixed at the rate of Rs.15000/- per month. The petitioner has preferred instant petition against the judgment and decree dated **10.10.2019** passed by IIIrd Addl. District Judge, East Karachi.

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

5. Learned counsel for the petitioner has assailed the order dated **10.10.2019** passed by IIIrd Addl. District Judge, East Karachi but unfortunately she has not identified any illegality and irregularity in coming to the conclusion by the Appellate Court, and not a single sentence from evidence of either side has been referred to by the learned counsel to assert that the judgment suffer from any illegality and irregularity.

6. In view of the above facts and discussion no case is made out for interference in the impugned judgment. Therefore, instant petition is dismissed alongwith listed application.

JUDGE

Karachi
Dated:03.03.2020

SM