

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No.322/2020

DATE

ORDER WITH SIGNATURE(S) OF JUDGE(S)

Before: Mr. Justice Nazar Akbar

Petitioner:

Danish Rauf through
Mr. Tariq Hussain, Advocate.

Versus

Respondent No.1:
Respondent No.2:
Respondent No.3:

Mst. Mehwish @ Asma,
Muhammad Ali,
Muhammad Umer,

Respondent No.4:

XXth Family Judge, South Karachi.

Respondent No.5:

XIIth Addl. District & Session Judge,
Model Civil Appellate Court Karachi
South.

Date of hearing:

06.03.2020

Date of Judgment :

06.03.2020

JUDGMENT

NAZAR AKBAR, J. The petitioner through this constitutional petition has challenged the order dated **04.01.2020** passed by XIIth Addl. District & Sessions Judge, Model Civil Appellate Court District South Karachi in Family Appeal **No.97/2019**, whereby with certain modification the order dated **06.5.2019** passed by XXth Civil Judge & J.M. Karachi South, in Family Suit **No.832/2018** was maintained. Respondent No.1 was not satisfied with the judgment and decree dated **06.05.2019** filed an appeal against the said order bearing Family Appeal **No.97/2019** which was also disposed of with certain modification.

2. Briefly stated the facts of the case are that Respondent No.1 filed Suit No.832/2018 for maintenance, declaration of dissolution of marriage on the ground of talaq and recovery of dowry articles in the Family Court. On service the petitioner filed written statement and denied 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 **06.05.2019** decreed the suit of Respondent No.1. Respondent No.1 was not satisfied with the judgment and decree dated **06.05.2019** filed appeal, which was disposed of with certain modification by the Appellate Court in the following terms:-

“For what has been discussed in the point No.1, the impugned judgment and decree is modified to the extent of period of maintenance of appellant No.2&3, as the appellant No.2&3 are entitled for maintenance from April 2016 till legal entitlement at the rate of Rs.12000/- per month for each minor with annual increment of 10% per annum”.

The Appellate order was more or less the same except that maintenance of only minors was re-fixed at the rate of Rs.12000/- per month for each minor with annual increment of 10% per annum from April 2016 till their legal entitlement. The petitioner has preferred instant petition against the judgment and decree dated **04.01.2020** passed by XIIth Addl. District & Sessions Judge, Model Civil Appellate Court District South Karachi.

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

5. Learned counsel for the petitioner has assailed the order dated **04.01.2020** passed by XIIth Addl. District & Sessions Judge, Model Civil Appellate Court District South Karachi but

unfortunately he 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 applications.

JUDGE

Karachi
Dated:06.03.2020

SM