

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. S – 691 of 2021

Date	Order with signature of Judge
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1. For hearing of CMA No.4441/2021 (Stay) :
2. For hearing of main case :

27.09.2021 :

Mr. Asif Ibrahim Memon, advocate for the petitioner.

Respondent No.1 Mst. Kanwal Noureen (CNIC No.42501-4432759-4)
present in person.

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Mr. Gullan Khan advocate files power on behalf of respondent No.1,
which is taken on record. Respondent No.1 is also present in person.

Learned counsel for the petitioner has submitted a statement dated 27.09.2021 showing that an amount of Rs.20,000.00 has been deposited by him in Court in partial satisfaction of the decree. He requests that the impugned order be set aside in view of the aforesaid deposit, which request has been vehemently opposed by respondent No.1. It is an admitted position that the decree for maintenance and dower amount passed by the learned Family Court in favour of respondent No.1 was not challenged by the petitioner, and as such the same attained finality. In the execution proceedings filed by respondent No.1, the petitioner filed an application praying that he may be allowed to pay the decretal amount in installments. Through the impugned order dated 24.05.2021, the said application was disposed of by the learned Family Court, with the consent of respondent No.1, by directing the petitioner to deposit the entire decretal amount in three consecutive monthly installments before the 14th day of each month. I am of the view that concession has already been granted to the petitioner by the learned trial Court by allowing him to deposit the decretal amount in three installments, and as such the impugned order does not call for any interference by this Court. Moreover, the impugned order, having been passed with the consent of respondent No.1, cannot be modified or altered without her consent.

In view of the above, the petition and listed application are dismissed with no order as to costs.

J U D G E