ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Const. Petition No. S- 162 of 2023

Date of hearing	Order with signature of Judge

Hearing of case.

1. For orders on office objections at Flag 'A'.
2. For orders on CMA 472/2023
3. For hearing of main case.

Petitioner :   Yawar Haya S/O Muhammad Hayat Mughul

Versus

Respondents: Mst. Sadaf D/O Abdul Hameed Pathan.

23.10.2023.

Ms. Sabeen Mahar, Advocate for the petitioner.
Mr. Sundar Khan Chachar Advocate for Respondent No.1.
Mr. Ali Raza Balouch, AAG.

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YOUSUF ALI SAYEED, J. - The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution, seeking to impugn an interlocutory Order made on 21.03.2023 by the learned Civil Judge & J.M II Sukkur in Family Suit No. 44/2023, whereby the Petitioner was directed to pay interim maintenance at the rate of Rs. 6000/- per month for his minor daughter to the Respondent No.1 up to the 10th day of each calendar month until disposal of the matter.

2.   The case advanced by the Petitioner is that the fora below has failed to take into account that he has no source of income other than his salary, which is the meager sum of Rs. 16000/- per month, from which he has to support himself as well as a child from a previous marriage.

3.   As it stands, the impugned Order is of an interlocutory nature, against which no appeal has been provided under the law so as to ensure expeditious disposal of family disputes, whereas this Petition has been filed almost four months after the date of the impugned Order without any compliance having been made. Needless to say, the object of the statute cannot be frustrated through recourse to the writ jurisdiction of this Court. Even otherwise the quantum of maintenance properly remains to be determined at the time of final adjudication, when all relevant objections can be raised.

4.   Under such circumstances the Petition is found to be misconceived and is dismissed accordingly.

JUDGE

Irfan/PA