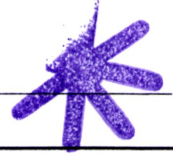


ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP No.S-257 of 2021



Order with signature of Judge

Fresh Case

1. For orders on CMA No.1693 of 2021
2. For orders on CMA No.1694 fo2 021
3. For hearing of main case
4. For orders on CMA No.1695 of 2021

24.03.2021

Mr. Naeemuddin Advocate for the petitioner

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- 1]. Urgency granted.
- 2]. Exemption application is granted, however, subject to all just & legal exceptions.
- 3-4]. This petition is arising out of a Family Suit No.2375 of 2018, filed by respondent No.1 herein, for recovery of `delivery expenses` & `maintenance` for self and two minor children. The trial court after recording of evidence concluded vide its findings dated 6.10.2020 [announced on 6.11.2020] and awarded maintenance @Rs.5000/- per month for plaintiff No.1 from the month of November, 2018 till her Iddat period as well as maintenance for the minors @Rs.20,000/- per month per minor w.e.f. 1.10.2021 till their legal entitlement with increment of 10% per annum.

The Defendant [petitioner herein] namely Muhammad Ahsan being aggrieved and dissatisfied with above findings of the learned trial court assailed the same in a Family Appeal No.95 of 2020 filed u/s 14 of the Family Courts Act, 1964 before Vth Addl. District & Sessions Court and the findings of the learned trial court was modified vide judgment & decree both dated 23.2.2021 to the extent of maintenance of the minors from Rs.20,000/- per minor per month to Rs.12,000/- per minor per month till their entitlement under the law with increment of 10% per annum. Whereas, maintenance for respondent No.1 herein @Rs.5000/- from November, 2018 till her Iddat period was not disturbed.

Despite modification by the appellate court in the judgment & decree passed by the trial court, as well as, declining of the claim of delivery/medical expenses by the trial court, the petitioner herein filed the instant petition against the findings of the lower courts below as being illegal and unlawful, even to the extent of Rs.12000/- per month for each child.

I have heard leaned counsel for the petitioner and perused the material available on record.

The petitioner on his own admission has conceded that he is drawing his salary @Rs.59,829/- per month pursuant to his salary slip and the maintenance amount of both the minors is less than 50% of his salary. At the time of filing of the suit, the minors were shown to be 4½ and 10 months respectively and now both are school going children. Hence, the reduced amount of Rs.12,000/- per month per minor does not seem to be unjustified rather based on the evidence particularly the amount of salary being drawn by the petitioner vide his salary slip.

Learned counsel for the petitioner initially by cited findings of the learned trial court and was urging that the sum of Rs.20,000/- for each minor per month as adjudged by the learned trial court is excessively, however, he has not shown that this amount was modified by the learned appellate court. When learned counsel was confronted that this amount of Rs.20,000/- has already been reduced to almost 40% by the learned appellate court, he had no answer. Hence, learned counsel deliberately and unnecessarily consumed precious time of this court by consistently relying on the order of trial court.

Foregoing in view, I am inclined to dismiss this petition with cost of Rs.10,000/- to be paid by the petitioner in the High Court Clinic Account.

With above observations, instant petition stands dismissed a/w pending applications.

JUDGE

Mush/ps.