

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

C.P. No.S-434 of 2021

Sultan Rehman
Versus
Mst. Afshan Anwar & others



Date	Order with signature of Judge
------	-------------------------------

1. For orders on CMA 2749/21
2. For orders on office objection no.18 as at "A"
3. For orders on CMA 2750/21
4. For hearing of main case
5. For orders on CMA 2751/21

Dated: 03.06.2021

Mr. Abdul Naeem A. Qureshi for petitioner.

-.-.-

Petitioner through this petition has challenged concurrent findings of two Courts below recorded in respect of maintenance of two minors at the rate of Rs.7500/- each per month.

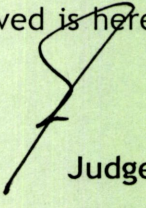
At the very outset petitioner's counsel is reminded of limited scope of the petition filed against the concurrent findings of two Courts below, to which he submitted that in fact petitioner is earning Rs.30,000/- and hence unable to pay the maintenance amount as being exorbitant keeping in view of meager salary and further burden to prove that petitioner is earning handsome salary was upon respondent which she failed. Such aspect, per learned counsel, has not taken into consideration by the two Courts below while determining the quantum of maintenance.

I have minutely perused the two judgments and in view of the fact that children are school-going age and thus the amount of Rs.7500/- for a child is not on higher side. Furthermore, as far as earning of the petitioner is concerned, petitioner is admittedly in a bank and if he is

earning a meager amount, no one had stopped him from producing salary slip while depositing before the Court. The statement of account produced does not depict the exact amount of his salary. Categorical statement of respondent that petitioner's earning is around Rs.100,000/- is not denied except that she was asked to produce proof. There is no specific denial of receipt of this amount. ^v The observations of appellate Court in the impugned order are very clear in that respect, which for the sake of brevity are reproduced:-

"The appellant claimed to earn Rs.30,000/- per month being employee of ASKARI Bank but admittedly he has not produced any salary certificate or receipt of the concerned bank."

In view of the above, no case for interference with the findings of two Courts below is made out. The petition being misconceived is hereby dismissed along with listed applications.


Judge