

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.S-66 of 2022

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DATE

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ORDER WITH SIGNATURE OF JUDGE

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25.10.2022

Mr. Shahzad Ali Daudpoto advocate for petitioner.

Mr. Amjad Hussain Rajpar advocate for respondent No.1 along with respondent No.1.

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I have heard the parties at some length. Petitioner's counsel has submitted that before divorce, respondent No.1 in terms of one agreement dated 14.12.2017 had accepted Rs.200,000/- (rupees two lacs) as all-time maintenance of minor child but thereafter she filed a suit for his maintenance, decreed in her favour, and appeal filed by petitioner dismissed, which amounts to novation of the contract on her part.

There are concurrent findings in respect of issue of maintenance against the petitioner. In petition the same cannot be disturbed on the premise that a different view is possible on reappraisal of the evidence. In addition, learned counsel for the petitioner has admitted that agreement, if any, between the parties cannot be enforced in family suit or if respondent No.1 has breached terms of the agreement, the same can be looked into by the family court. Moreso, before two forums below, the petitioner could not prima facie establish conformation of same agreement. Hence, he has agreed to withdraw this petition and avail a proper remedy, if any, in respect of the agreement.

The petition is disposed of in the above terms along with listed application.

JUDGE