

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No.S-523 of 2024.

Imran v. Mst. Rukhsana

Petitioner : Imran through Mr. Aijaz Hussain Jatoi,
Advocate.

Respondent : Mst. Rukhsana through Mr. Bakhtiar Ahmed
Panhwar, Advocate.

Date of hearing : 08.05.2025.

Date of Decision : 08.05.2025.

JUDGMENT

Miran Muhammad Shah, J:- By means of this Constitutional Petition, the petitioner has impugned the Judgment dated 22.11.2024 passed by learned District Judge, Jamshoro in Family Appeal No.28 of 2024, whereby appeal filed by petitioner against the Judgment & Decree dated 10.09.2024 passed by learned Family Judge Jamshoro in Family Suit No.65 of 2023 was dismissed.

2. The crux of the matter is that respondent instituted a Family Suit No.65 of 2023 before the learned Family Judge at Jamshoro, seeking recovery of maintenance, dowry articles & dower amount. The suit was decreed partly. Thereafter, the petitioner, originally the defendant moved an Appeal sought setting aside of the decree, which was also dismissed vide impugned Judgment dated 22.11.2024. Thus, being aggrieved and dissatisfied the instant petition has been preferred.

3. The main arguments of learned counsel for the petitioner is that maintenance is to be fixed looking to the financial status of the father but the learned trial Court failed to appreciate this aspect and passed the impugned order, which may be set-aside and petition in hand may be allowed.

4. On the other hand, learned counsel for respondent argued at some length and supported the impugned Judgment of learned appellate court as well as Judgment & Decree passed by the learned Family Judge. The learned counsel for the respondent alongwith respondent present contended that though the amount of maintenance so awarded by the learned trial Court is also meager keeping in view the current inflation and education expanses of the children. Lastly prayed for dismissal of the petition in hand.

5. Heard counsels for the petitioner as well as respondent. The Constitution Petition involves here family matter regarding maintenance of the children, which has come under the discussion here. A very short controversy is involved, wherein it was argued that both the Courts below have upheld the maintenance point. The petitioner through his counsel filed petition in hand and also prayed before this Court that the maintenance amount is not affordable by the petitioner and may be reduced to Rs.5000/- from initial order of the learned trial court i.e. Rs.8000/- of each minor, which was even upheld by the appellate Court. The learned counsel for the petitioner in support of his arguments stated that the petitioner runs a private business and his income is merely Rs.30,000/- per month and he has to support his mother and sister also that's why he is not in a position to support his children more than Rs.5000/- per month. Counsel for the respondent, however, on the other hand has stated that such arguments of the petitioner are lame in nature and the learned trial court as well as the learned appellate court have rightly passed the order and have fixed the quantum of maintenance as Rs.8000/- per month of the children. In my opinion the welfare of the children no matter whose custody they are in is a joint responsibility of both the parents. When the children are of school going age, they are to be provided good & proper education. The father cannot obviate himself from the responsibility of supporting his children and cannot deny them, the required education expenses, therefore, I do not find any illegality or irregularity in the impugned Judgment dated 22.11.2024 passed in Family Appeal No.28 of 2024 and the Judgment and decree dated 10.09.2024 passed by learned Family Judge Jamshoro in Family Suit No.65 of 2023.

With such observations, the above Constitution Petition in hand is hereby **dismissed.**

6. These are the detailed reasons of my short order passed earlier on 08.05.2025.

JUDGE

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