

IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No.S-165 of 2025
(Adeel Ahmed Ansari –v- Mst. Hafsa Zahid & Ors.)

Date Order with signature(s) of Judge(s)

Directions.

For orders as to the maintainability of Petition.

16.03.2026.

Mrs. Nousheen Khan Tajammul and Mr. Tajammul H. Lodhi, Advocates for the Petitioner.

Mr. Liaquat Ali Khan, Advocate for the Respondent.

ORDER

Nisar Ahmed Bhanbhro, J. This petition is directed against the order dated 17.01.2026 passed by the Court of Learned Family Judge XIXth (South) Karachi on the application under Section 17-A whereby an interim maintenance allowance of @ Rs.70000/- per month was imposed against the petitioner payable to the minor Orhan Ahmed Ansari, aged about 02 years.

2. Counsel for the petitioner contends that presently the petitioner is jobless and is not capable to pay such huge amount of maintenance particularly when he maintains two families. She prays that the interim maintenance allowance may be reduced as the impugned order is harsh in nature and petitioner is not in a position to pay such a huge amount.

3. Counsel for the respondent contends that the petitioner earns monthly salary @ Rs.24,00,000/- (Rupees twenty four lac) in Multi-national Company and residing in posh area and capable to pay the maintenance allowance so tentatively determined by the trial Court. He prayed to dismiss the petition.

4. Heard arguments and perused the material available on record.

5. Scanning of the record reveals that the minor is about 02 years of age and is not going to school. Even in the plaint, available as Annexure P/1 at page-21 of the file, the respondent has not annexed any schedule of expenses to substantiate the claim that an amount of Rs.70,000/- is required for the maintenance of the minor. Furthermore, no proof has been annexed to support the assertion made in paragraph 7 of the plaint that the petitioner is earning Rs.17- lac per month. Since the respondent has failed to file a schedule of expenses or to prove the alleged income of the petitioner, the balance of convenience tilts in favour of the petitioner, who, for the time being, is jobless. Therefore, the interim maintenance allowance appears to be harsh, the Family Court is required to impose interim maintenance allowance tentatively by assessing the material made available before the Court, which, in the present case, is lacking.

6. In the given circumstances, the order dated 17.01.2026 is maintained; however modified to the extent of amount of maintenance allowance i.e. Rs.70000/- per month imposed upon the petitioner is reduced to that of Rs.30000/- per month. On conclusion of evidence, the Court may pass an appropriate final order for maintenance, on the basis of material made available on record. The Family Court is directed to conclude the matter expeditiously preferably within the period of six (06) month from the date of this order and shall not grant any undue adjournment to any of the parties.

7. The instant petition stands disposed of in the above terms. Copy of this order shall be sent to the learned trial Court for information and compliance.

JUDGE