

Form No: HCJD/C-121.

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Writ Petition No. 4010 of 2021

Muhammad Sohail Dilber, etc.
Vs
Learned ADJ-III, Islamabad (East), etc.

| S. No. of order/ proceedings | Date of order/ proceedings | Order with signature of Judge and that of parties or counsel where necessary. |
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12-11-2021.

Mr. Muhammad Atif Farzauq Raja, Advocate for the petitioner.

Through this petition the judgment and decree dated 16-10-2020 passed by the learned Senior Civil Judge, Islamabad (East) has been impugned as well as the judgment and decree passed by the learned Additional District Judge dated 02.04.2021.

2. Learned counsel for the petitioner submitted that the petitioners are aggrieved by the amount of maintenance fixed in favour of respondent No.3, the former wife of the petitioner, and respondent No.4, the minor daughter of the petitioner No.1. He submitted that respondent No.3 was a working woman and the courts ought to have appreciated that she had means to support herself. And further that the maintenance ought not have been granted to respondent No.3 for the entire period of subsistence of marriage. The learned

counsel for the petitioner stated that the interim maintenance for the minor daughter was fixed as Rs.8000/-, and in the judgment and decree it has been fixed as Rs.20,000/-, without provided a basis for enhancing the maintenance. He submitted that there was no evidence adduced by the respondents to establish the income of the petitioner and that the petitioner had made a suggestion during cross-examination of the respondent witnesses that the petitioner did not earn an amount of 50,000 Dirham, as claimed by the respondent No.3. That the learned Family Court erred in concluding that the petitioner was a person of means.

3. The learned counsel for the petitioner has failed to establish any misreading or non-reading of evidence. He has failed to identify any material on record adduced in evidence before the learned Family Court establishing that the petitioner's income was meager and that he was unable to pay Rs.20,000/- per month to maintain his minor daughter. The petitioner's case is that he is ready and willing to maintain his daughter, but has been unable to convince the Court that the learned Family Court has erred in exercising its discretion while affixing the quantum of

maintenance. The amount fixed reflects that the learned Family Court did not conclude that the petitioner earned 50,000 Dirham per month. He has also been unable to point out any provision of the statute or any case law which states that a husband is not responsible for maintaining his wife in the event that the wife is a working woman. The learned counsel has failed to identify any infirmity in the impugned judgments and decrees of the learned Family Court and the learned appellate court.

4. For the aforesaid reasons, this petition is without merit and is dismissed **in limine**.

(BABAR SATTAR)
JUDGE

Saeed.