

ORDER SHEET  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
(JUDICIAL DEPARTMENT)

**Writ petition no. 883/ 2021**

Syed Nisar Ali  
versus  
Mst. Unisa Tufail and others

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
6	28.10.2022	Mr. Umar Hanif Khichi, Advocate along with petitioner. Ch. Naeem Ali Gujjar, Advocate for respondent.

The petitioner is aggrieved of the judgement and decree dated 20.11.2020 passed by the Additional District Judge, Islamabad, enhancing the family maintenance awarded by the learned Family Court vide its judgement and decree dated 10.10.2019 from Rs.4,000/- to Rs.5,000/- per month from 05.05.2015 till the date of decree, and from that date onwards, a sum of Rs.8,000/- per month with increments, instead of Rs.6,000/- awarded by the learned trial Court.

2 I have gone through the two judgments and do not find any error of law therein.

3 On facts, learned counsel for the petitioner states that the Appellate Court misread the evidence in finding that the petitioner’s husband, a government servant, was earning Rs.40,000/- per month as property income, whereas para 20 of the judgement of the learned Family Court records that the petitioner receives Rs.14,000/- as house rent allowance. The former sum, he argues, is not proven by any document on record. The latter sum, he concedes per the Family Court’s judgement, is in addition to the petitioner’s salary. The latter sum is therefore to be factored in awarding maintenance. The former sum can be ignored. The award of Rs.8,000/- per month as maintenance, enhancing it from Rs.6,000/-, is by no means an improper exercise of judicial discretion in this case.

4 Sitting in Constitutional jurisdiction, I am not meant to reappraise the evidence to take a different view arrived at by the family courts. Even if the ‘rental-sum error’ pointed out by the learned counsel for the petitioner husband

is accepted to be correct, but taking into account the petitioner's official rent allowance, the amounts awarded by the Family Court and enhanced by a small percentage by the Additional District Court are not shown to be against any legal rules on calculation of maintenance, nor a misapplication of the jurisdiction vested in them.

5 In respect of para 11 of the judgement of the learned Additional District Judge, learned counsel for the petitioner after consultation with his client stated that his client requests for the said amount to be paid in instalments. With the accrued sum being a multiple of about 6-8 times his proven income, the request is allowed, and he is allowed to pay the accrued sum from 05.05.2015 till 10.10.2019 per the said para 11 in 6 instalments, payable by the 10th of each month, the first instalment falling due in November, 2022. The petitioner is directed to make all other payments, and commence the payments of monthly allowance, per the Appellate Court's judgement within 30 days from today.

6 **Disposed of.**

**(Sardar Ejaz Ishaq Khan)**  
**Judge**