

**IN THE COURT OF SENIOR CIVIL JUDGE WITH THE POWER OF
JUDGE FAMILY COURT, LAHORE**

Family Suit No. _____ /2010

1. Mst. RB / Plaintiff 1 D/o MY R/o District Narowal.
2. AJ / Plaintiff 2 D/o MJ / Defendant 1.
Lahore

Plaintiffs

Versus

MJ / Defendant 1 District Narowal.

Defendant

SUIT FOR THE RECOVERY OF MAINTENANCE ALLOWANCE.

Respectfully Sheweth: -

1. That the defendant No. 1 being real mother of plaintiff No. 2 filing the instant suit on her behalf having no adverse inference. That the above mentioned addresses of the parties are correct, complete and sufficient for the purpose of proper serving the notices/summons etc.
2. That the plaintiff No. 1 was got married to the defendant according to Muslim rites on 2006 against Dower one tola gold talai amounting Rs.10,000/- of that time. (Copy of the Nikahnama is attached herewith as Annexure "A").
3. That the plaintiff No. 2 (minor) namely AN was born on .2008 out of this wedlock.

4. That the relationships between the parties remained cordial only for a few days hereinafter the defendant started beating and torturing the plaintiff No. 1 without any reason ultimately, the defendant kicked out/turned out the plaintiff from his house after sever beatings. Since then the plaintiff No. 1 is residing in her sister's home at present address. Although the plaintiff and her family members had tried to solve the matter but all attempts were in vain. It is also pertinent to mention here since then the plaintiff has deprived from her legal/shariat/moral right of maintenance up till now.

5. That it is important to mentioned here the defendant is a servant and serving in army being a soldier. Now a days his posting in Rawalpindi at present address of the defendant. That defendants monthly income was Rs.10,000/- in 2007, Rs.11,000/- in 2008, Rs.12,000/- in 2009 and presently earned more then Rs.15,000/- that defendant is not providing maintenance to the plaintiff since 2007. The defendant also failed to provide maintenance to his daughter since her birth and expenses.

6. That the defendant is legally bound to provide maintenance allowance to the petitioner's w.e.f 2007 when he turned out plaintiff at Marcy of circumstances. So the defendant can easily pay Rs. 5000/- per month and Rs. 3000/- to the plaintiff No. 1 and 2 per month.

7. That the cause of action firstly arose in favor of the plaintiff and against the defendant on 2006 when the marriage was solemnized between the parties. Secondly lastly on 2007 when the defendant stopped to pay any maintenance allowance to the plaintiff, which is still continue.

8. That the cause of action arose at Narowal as well as Lahore. The plaintiffs also reside in Lahore. Hence this learned court has jurisdiction to adjudicate this matter.

9. That the prescribed court fee has been affixed on the plaint.

PRAYER

Under the aforementioned circumstances, it is most respectfully prayed that a decree for the recovery of maintenance allowance may kindly be passed in favor of the plaintiffs and against the defendant to the following effect:

-

1. To pay the maintenance allowance w.e.f. 2007 to 2010 at Rs. 5000/- per month to the plaintiff No. 1 as her past maintenance and Rs. 5000/- per month in future and to pay Rs. 3000/- per month to the plaintiff No. 2 (minor) w.e.f. 2008 and also future maintenance of the same rate along with Rs. 5000/- birth expenses of the minor.

2. It is further prayer that tentative maintenance allowance of the plaintiff's may kindly be fixed and the defendant be directed to pay the maintenance allowance to the plaintiff's regularly.

3. Any other relief deems fit and proper according to the circumstance of the case may also be awarded to the plaintiff.

Plaintiff

VERIFICATION

Verified on oath dated 2010 at Lahore that the contents of para No. 1 to 6 are true to the best of knowledge and contents of para No. 7 to 9 are correct to the best of my knowledge and belief.

Plaintiff

IN THE COURT OF II CIVIL AND FAMILY JUDGE ,
CENTRAL AT KARACHI

Family Suit No. 2685/2020

Aisha Tahir & Others

Plaintiffs

VERSUS

Salman Ameer

Defendant

AFFIDAVIT IN EVIDENCE
ON BEHALF OF DEFENDANT

I, Salman Ameer Lohan son of Ameer Ali Lohan, Muslim, adult, resident of Karachi, do hereby state on oath as under: -

1. That I am deponent of this affidavit and defendant in the above case as such as well conversant with the facts of the case.
2. That I say that the contents of my written statement may kindly be treated as part and parcel of this affidavit for the sake of brevity.
3. That I say that that the Nikah and Rukhsati took place on on 21-03-2008. It is submitted that I had paid the dower amount of the plaintiff No.1 at the time of Nikah in the form of 7 bangles of gold on the day of wedding 21-3-2008. I further state that since the day the spouses got married she kept her all gold belonging at her mother's house, also the gold which was given to her from me and my family and other gold which was made by saving day by day more for their daughters' future worth Rupees 4 Million till to date is also in the custody of the plaintiff No.1 and she has concealed this facts from this Honorable Court and despite of repeated demands by me to the plaintiff No.1 to return the same has failed and neglected to return the same and has illegally and unlawfully retained the said gold in her possession. It is further

submitted that plaintiff No.1 has also failed to annex the Nikahnama with the plaint. It is pertinent to mention that the plaintiff No.1 did not completed '*Iddat*', in fact she was going to media events where she always attracted to even after 3-4 months of divorce she was in ARY Programme where she was sitting on a bike with **Na-Mehram**, how can a mother of 3 children even after getting divorced can do this, just because she always wanted to hang out with media people so she can do modeling / acting, I have pictures of her where she's going to media event after divorce.

1. That I say that she while leaving my house has left all the three children in my house as she did not want to retain them and always feel them as a burden upon and never realized her responsibilities towards the children the children always feel uncomfortable with her mother and they are in lawful custody of me and they are enjoying the company of his father and grandmother and never feel any deficiency of their mother and I being father and natural guardian is looking after and caring them properly.
2. That I say that only my mother is living with me, whereas there is no any other except me and my mother is living in the said house and it is also denied that I have changed my behavior toward the plaintiff No.1, and showed true colour of my eyes and started rude behavior with the plaintiff No.1 and made her life miserable day by day, but on the contrary I always showed love and affection with the plaintiff No.1 and provided her every possible

and luxurious life beyond her expectations but she never appreciated his such sincere efforts and always behaved rudely with me and never proved to be good and responsible wife and failed and neglected to perform her conjugal rights toward me and her children. It is pertinent to mention that she was going to media events because she always wanted to hang out with media people so she can do modeling / acting, and she has nothing to do with the matrimonial life / obligations required to be adopted by her being mother and legally wedded wife of me.

3. That I say that the plaintiff No.1 without consent and permission of me left the house of I in the month of March 2020 and since then she did not turn up. It is further submitted that day she left the house on 1st March, 2020, she took everything with her, more than 8 bags full jewelry, clothes, make up, shoes. Whereas it is vehemently denied that I have left her at her parent house and kept the minor with him. It is submitted that if she was seriously ill, she would have submit medical reports / prescriptions from authentic/reputable hospital before this Honourable Court as for her all medical issues the both spouses used to go to Aga Khan Hospital for medical treatment. As mentioned in divorce papers she didn't contact kids for 2 months, and after that she started calling twice thrice a week, she never bothered for their health, education and mental state. It is pertinent to mention that when the plaintiff No.1 left the house, the younger daughter was only 15 months old which is considered to be on mother feed but she refuted from her responsibly.

(Copies of medical prescriptions of Agha Khan Hospital are attached and marked as annexure D/ 1 to D/)

4. That I say that the in between 15th to 22nd October, 2020 after almost 9 months first time she came to my house with her father, when I was not at home, they threatened again my mother, then my mother invited her father in the house on which he said, “see what I will do with you, your son and his daughters”, then the plaintiff No.1 went inside the house and took all the remaining things which she had kept it locked (for which I was not aware of what was inside the locker, as she had the keys) and has taken away all the valuable dowry articles including gold and nothing is in my possession as alleged para. It is further submitted that even before sending the divorce deed my counsel called her father, just to make them aware, if they wanted to patch up but he was very calm and told me to send the document, and within hour I got a call from their lawyer and he asked me to send the divorce deed by courier and I am also having call recording as proof in my possession which can be produced whenever this Honorable Court may order for provision of the same. It is pertinent to mention that I, as mentioned above, had already paid the dower amount in the shape of gold ornaments at the time of Nikah and nothing is due against him in lieu of dower amount. It is further submitted that this was her plan since beginning that she would sell all the gold and will enjoy her life as per her wish. Her allegation that I did not let the kids meet, is also false as between 15 to 22nd October 20 they came 3 times to my house, took kids out of the house and set on stairs and told me that they would

defame me everywhere, and met the kids, and made the video which she also sent to my family that they are sitting outside the house and playing with daughters and whole neighbors are eye witnessed that my mother decently invited them inside the house to meet the kids which they refused and created a drama outside the house as alleged. It is further submitted that I am also having a video recording which she made and can be provided whenever directed by this Honorable Court. As far as vehicle is concerned, she has herself sold the said vehicle and has utilized the said money on her own for enjoyment as she is found of drama and modeling and spent most of her money upon the said profession. The annexed list of dower articles is also forged and managed one, most of the valuable articles have been taken away by the plaintiff No.1 and only few articles are lying in my house.

5. That I say that this is very clear that she does not want the custody of kids, as after 9 months she did not file for the custody infact she is asking for dowry which they already have and always been this greedy. I also have a phone call recording in which she is clearly saying that she will not keep the kids, and she's not sick and she would tell all minors that I am a bad person, and I should be the one taking care of them. She always forced me to leave her as she wanted to enjoy her life alone and always used to run away from her responsibilities and marital obligation and failed to perform her conjugal rights and even bothered to proper maintain / nourish the children and never

proved to be good wife, mother and caretaker. It is further submitted that I would like to bring this into this Honorable Court notice that in 2016 she went to Dubai alone when 2nd daughter Minha Salman Lohan was only 8 months old and was on mother feed, but she left her and elder daughter Emaan Salman Lohan, and told I that she will be living with their Aunts (Khala), but she was living with her friend and 2 other boys, **and had an extramarital affairs**, which I has proof, which will be provided, at that time of hearing. I forgave her at that time because her family requested I but again she started talking to random guys late at nights in the house and when I asked she started fighting and so many times left the house for 4-5 hours and switched off her cell phone and was untraceable

(Copies of documents related to her travel and birth certificate of my daughter is also attached to match her age at that time are attached and marked as annexure D/ to D/)

6. That I say that after filling divorce her uncle Mr. Qamar called I and his lawyer, and when my counsel lawyer told me that Ms. Aisha Tahir D/o Muhammad Tahir, (plaintiff No.1) has my gold worth Rupees 4 million which was saved / made for daughters' future time to time. he promised to meet the lawyer and even after setting meeting 2-3 times, he never showed up.

(Copies of screen short between the counsel and her uncle is attached and marked as annexure D/ to D/)

7. That I say that then again, I requested her grandfather (Nana), 2-3 times, and asked him to set a meeting and bring all the concern persons and requested them swear on Quran for which, Ms Aisha Tahir (the plaintiff No.1) her father and mother refused because

they know they are lying and I would like to pray this Honorable Court again as being a Muslim to ask them to keep hand on Quran and Swear that their daughter / plaintiff No.1 has not taken away the said gold from my house.

8. I say that the reason, I tried to settle this matter between family as he did not want to bring this matter publicly and into court, as they always tried to defame I and his family. Infact she circulated the divorce deed to her whole family, friends, her ex-colleagues, her current colleagues. **(Copies of print out of her message to people are attached and marked as annexure D/ to D/)**.

9. That I say that the plaintiff is selfish woman who can leave 3 daughters alone with father and never tried meet them, can do anything to full fill her luxuries. It is further submitted that all I had is 1 bed, and a wardrobe which belongs to her, which they can take anytime. It is further submitted that I invested with her brother 14.5 lacs in 2018 which he was supposed to return in 3-6 moths, but they also kept amount since last 3 years, I was asking for money but he indirectly threaten me by saying that he will get other partner killed through his and his father contacts because I was also asking for money and I am having messages history and voice note from him and can be produced before this Honorable Court , whenever ordered by this Honorable Court. That I would like to request Honorable Court, that I cannot let my daughters meet to such family where they do not have moral values/esthetics, my daughters future will be in danger if she keeps a contact with them, they can take a wrong path because

of her negative approach as I am trying my level best to give them proper education and a well-mannered life, as they are well settled and happy in current environment. I don't want them to be mentally disturbed because as revenge she can do anything even with her own daughters. **Copies of their school reports are also attached and marked as annexure D/ to D/)**

10. That I say that that I am having reasonable income and can manage his daughters and family in a better manner and the plaintiff No.1 is not entitled for any maintenance as she herself refuted from my house and she is deserted wife and failed and neglected to perform her matrimonial / conjugal obligation towards me.
11. That I say that no cause of action has ever accrued to the plaintiff No.1 against me and as such the plaintiff No.1 is not entitled for any relief and the plaint of the plaintiff No.1 is liable to be dismissed with special compensatory costs.
12. That I say that the prayer clause is denied, the plaintiff No.1 is not entitled for any relief claimed by her. It is submitted that I have already paid dower amount to the plaintiff No.1 at the time of Nikah in the form of gold, whereas on the other hand the plaintiff has taken away many valuable articles / gold of herself and of I with her amounting to Rs.60,00,000/- (Rupees Sixty Lacs only) and she may be directed to return the articles which was owned by I . The suit is liable to be dismissed with special cost.

13. It is pertinent to mention that she produced forged and fabricated gold bills, for which the jewelers have appeared before this Honorable Court and admitted that these bills were not issued against the gold mentioned in the said bills.

(Copies of examination in chief of the Jewelers are attached and marked as annexure D/ to D/)

14. That whatever is stated above is true and correct to the best of my knowledge, belief and information.

Karachi

Dated

Deponent

ALI TARIQ AWAN

Advocate High Court

Cell # 0331-6575275

Ref:LN/25/24

Date: _____

To,

**Muhammad Amir Siddiqui
Son of Sardar Ahmed Siddique,
Resident of House No.296-A, Block-F,
Gulshan-e-Ravi, Lahore.**

LEGAL NOTICE

Under the instructions of my client **Ambreen Amir daughter of Israr Ahmed, resident of House No.246, Block-D, Eden Abad Pine Avenue, Lahore**, the undersigned is serving you following notice:-

- a. That you were married to my client according to Islamic Rites & Rituals on 11.04.1997.
- b. That out of wedlock three children Muhammad Roshan Siddique, Muhammad Rohail Saddique & Horia Saddique were born, who are in custody of my client.
- c. That my client has obtained Khula from competent court of law vide judgment and decree dated 22.11.2023.
- d. That my client has no objection if you want to meet with children.

That through the medium of this notice you are directed to if you are inclined to meet with children then meet with your children, you must refrain from harassing, maltreating, misbehaving my client, if you will do so my client will obtain all legal remedies available to him.

Note: Copy of this legal notice is retained in our office for record and for further legal action.

**Ali Tariq Awan
Advocate High Court**

IN THE COURT OF SENIOR GUARDIAN JUDGE
WITH POWER OF JUDGE FAMILY COURT, LAHORE.
(MODEL TOWN COURTS, LAHORE)

MST.AS/ PLAINTIFF

Daughter of MH, resident of Lahore.

Plaintiff

VERSUS

MA / DEFENDANT

Son of ms, resident of Vehari.

Defendant

SUIT FOR DISSOLUTION OF MARRIAGE ON THE
BASIS OF KHULA.

Respectfully Sheweth:-

1- That the brief facts of instant plaint are that the plaintiff married to defendant on 2020 according to Muslim Rites and Sunnah.

2- That out of this wedlock one daughter namely ZA date of birth 2022 was born, who is living with the plaintiff.

3- That at the time of marriage the parents of the plaintiff gave precious dowry articles to the plaintiff, which are in the possession of the defendant.

4- That without any lawful justification, and without any fault on the part of the plaintiff, the defendant did not accept the existence of the plaintiff, in his house as his wife, and did not give her respect, rather caused maximum mental agony subjected her to physical assault, purposely so that she may be forced to leave the abode. The

defendant miserably failed to provide even a single penny to the plaintiff as maintenance allowance.

5- That the defendant is cruel temperament person and he always treated the plaintiff with habitual cruelty, and thus made the life of the plaintiff highly miserable.

6- That 2024, the defendant after giving her severs beating, and snatching all her belongings, including the ornaments, the defendant ousted the plaintiff alongwith with her minor from his house in three wearing cloths. Since then the plaintiff has been residing at the above mentioned address.

7- That the plaintiff is earning herself and she is living alongwith her daughter with her free will and consent at the above mentioned address.

8- That due to above mentioned facts and circumstances, as well as the atmosphere created by the defendant, great hatred has been developed in the heart of plaintiff towards defendant and the plaintiff prefers death as compare to live with defendant, there is left no scope for the parties to lead a harmonious life in future, within the limits prescribed by Law, therefore, the plaintiff seeks dissolution of marriage on the basis of KHULA.

9- That plaintiff asked the defendant to divorce the plaintiff personally and also through respectable but the defendant firstly lingered the matter and later on flatly refused to adhere the genuine and lawful request made by the plaintiff hence this suit.

10- That the cause of action accrued in favour of the plaintiff and against the defendant firstly when the defendant ousted the plaintiff from his house and finally when the defendant flatly refused to listen the request of the plaintiff and the same is still continue.

11- That the plaintiff is residing at Lahore, cause of action accrued at Lahore hence this

honorable court has jurisdiction to entertain and decide the suit.

12- That the prescribed court fee has been affixed on the plaint.

In view of the above submissions, it is therefore, most respectfully prayed that a decree for dissolution of marriage on the basis of Khula may kindly be passed in favour of the plaintiff and against the defendant.

Any other relief which this Honourable Court deems fit may also be awarded.

Plaintiff

Through:

VERIFICATION:

Verified on Oath at this February, 2024 that the contents of the Paras No.1 to 9 are true and correct to the best of my knowledge and belief and rest Paras No.10 to 12 are also correct and true to the best of my belief and information.

Plaintiff

IN THE COURT OF SENIOR GUARDIAN JUDGE
WITH POWER OF JUDGE FAMILY COURT, LAHORE.
(MODEL TOWN COURTS, LAHORE)

In re:

Mst.AS/ Plaintiff Vs. MA / Defendant

**(SUIT FOR DISSOLUTION OF MARRIAGE ON THE
BASIS OF KHULA)**

**AFFIDAVIT FOR NON-AVAILABILITY OF NIKKAH
NAMA.**

**AFFIDAVIT OF: Mst.AS/ Plaintiff daughter of
*MH, Lahore.***

***I the above named deponent do hereby solemnly affirm
and declare as under:***

***That the plaintiff married to the defendant, Nikkah Nama is
in possession of defendant, the plaintiff is swearing this
affidavit for obtaining Khula.***

DEPONENT

VERIFICATION:

Verified on Oath at Lahore this February, 2024 that the contents of
the above Affidavit are true and correct to the best of my knowledge
and belief and nothing has been concealed.

DEPONENT

IN THE COURT OF SENIOR GUARDIAN JUDGE

WITH POWER OF JUDGE FAMILY COURT, LAHORE.
(MODEL TOWN COURTS, LAHORE)

MST.AE

Daughter of ME, resident of Lahore.

Plaintiff

VERSUS

FS /DEFENDANT

, Lahore.

Defendant

SUIT FOR DISSOLUTION OF MARRIAGE ON THE BASIS OF KHULA.

Respectfully Sheweth:-

1- That the brief facts of instant plaint are that the plaintiff married to defendant on 2014 according to Muslim Rites and Sunnah. Copy of Nikkah Nama is attached for kind perusal.

2- That the relations between the spouses always remained strained and the defendant did not accept the existence of the plaintiff, in his house as his wife, and did not give her respect, rather caused maximum mental agony subjected her to physical assault and never wished for bless of child and due to that reason no child was born and the other hand the defendant use to illicit relation with the bad reputed ladies and ultimately the defendant forced the petitioner to leave the house of the defendant about 05-months ago i.e. September, 2023 and since then the plaintiff has been

residing with her parents and the defendant miserably failed to provide even a single penny to the plaintiff as maintenance allowance.

3- That the defendant is cruel temperament person and he always treated the plaintiff with habitual cruelty, and never gave respect to the plaintiff has his wife and the defendant made the life of the plaintiff highly miserable.

4- That due to above mentioned facts and circumstances, as well as the atmosphere created by the defendant, great hatred has been developed in the heart of plaintiff towards defendant and the plaintiff prefers death as compare to live with defendant, there is left no scope for the parties to lead a harmonious life in future, within the limits prescribed by Law, therefore, the plaintiff seeks dissolution of marriage on the basis of **KHULA**.

5- That plaintiff asked the defendant to divorce the plaintiff personally and also through respectable but the defendant firstly lingered the matter and later on flatly refused to adhere the genuine and lawful request made by the plaintiff hence this suit.

6- That the cause of action accrued in favour of the plaintiff and against the defendant firstly when the defendant ousted the plaintiff from his house and finally when the defendant flatly refused to listen the request of the plaintiff and the same is still continue.

7- That the **parties** to the suit are residing at Lahore, cause of action accrued at Lahore hence this honorable court has jurisdiction to entertain and decide the suit.

8- That the prescribed court fee has been affixed on the plaint.

In view of the above submissions, it is therefore, most respectfully prayed that a decree for dissolution of marriage on the basis of Khula may kindly be passed in favour of the plaintiff and against the defendant.

Any other relief which this Honourable Court deems fit may also be awarded.

Plaintiff

Through:

VERIFICATION:

Verified on Oath at this ***day of February, 2024*** that the contents of the Paras No. 1 to 5 are true and correct to the best of my knowledge and belief and rest Paras No. 6 to 8 are also correct and true to the best of my belief and information.

Plaintiff

IN THE COURT OF MR. MUHAMMAD HUSSAIN, LEARNED
JUDGE FAMILY COURT, LAHORE.

In re:-

Plaintiff Vs. Defendant

(SUIT FOR RECOVERY OF MAINTENANCE ALLOWANCE)

APPLICATION FOR SETTING ASIDE EX-PARTE
ORDER/PROCEEDINGS DATED _____ JUDGMENT AND
DECREE DATED 2024.

Respectfully Sheweth;-

1. That the brief facts of the instant application are that;-

i. That the above titled suit was exparte decreed from this Honourable Court vide judgment and decree dated 2024, now execution of the same is pending before this Honourable Court and is fixed for _____.

ii. That it came in the knowledge of the applicant few days ago, that the respondent through fraud and misrepresentation has obtained the judgment and decree from this Honourable Court.

iii. That the ex-parte decree is liable to be set-aside on the following amongst other;-

GROUNDS

- a. That the petitioner was never served any notice, summon or proclamation by this Hon'able Court, because the respondent/ plaintiff did not serve any notice to defendant just obtaining an ex-parte decree against the petitioner.
- b. That the plaintiff obtained the impugned decree fraudulently by this Hon'able Court due to non-serving of notice, hence is liable to be set-aside.
- c. That the impugned decree has been obtained by misrepresentation from this Hon'able Court, hence liable to be set-aside.
- d. That it is very settled law and the direction of the apex court are available that the cases should have been decided on merits instead of technicalities.
- e. That it is a fundamental right of the applicant/defendant to defend the

present case in accordance with the law and facts which has not been added into the knowledge of this Hon'able Court, which should have been help and assist this court by deciding the matter on merits.

f. That the applicant/defendant has a lot of material to present and submit before this Hon'able Court in his favour.

g. That the applicant/defendant wants to submit his written reply and evidence to assist this Hon'able Court.

h. That the applicant/defendant is ought to assist the court to help this Hon'able Court for having just and proper decision in this regard.

i. That if the ex-parte decree is not set-aside the applicant/defendant shall suffer irreparable loss and injury.

PRAYER:

Under the above said circumstance it is therefore, most respectfully prayed that application may very kindly be accepted and ex-parte order dated _____ may kindly be set-aside and the ex-parte judgment and

decree dated 2024 may kindly be set-aside and the applicant be allowed to defend the suit in the interest of justice.

It is also prayed that the proceeding in the execution regarding the exparte judgment/decree dated 2024 and operation of judgment and decree dated 14.02.2024 may kindly be suspended/stayed in the interest of justice.

Any other relief which this Hon'able Court deems fit may also be awarded.

Applicant/defendant

Through

Counsel

Advocate High Court

IN THE COURT OF MR. MUHAMMAD HUSSAIN, LEARNED
JUDGE FAMILY COURT, LAHORE.

In re:-

Plaintiff Vs. Defendant

(SUIT FOR RECOVERY OF MAINTENANCE ALLOWANCE)

APPLICATION FOR SETTING ASIDE EX-PARTE JUDGMENT
AND DECREE DATED 14.02.2024.

AFFIDAVIT OF: *Barbara* son of

*I the above named deponent do hereby solemnly affirm and
declare as under:*

*That the contents of accompanying Application are true and
correct to the best of my knowledge and belief and nothing has
been concealed therein.*

Deponent

VERIFICATION:

Verified on Oath at Lahore this ____ day
of February, 2024 that the contents of
the above affidavit are true and correct
to the best of my knowledge and belief
and nothing has been concealed therein.

Deponent

IN THE COURT OF MR. MUHAMMAD HUSSAIN, LEARNED
JUDGE FAMILY COURT, LAHORE.

In re:-

Plaintiff Vs. Defendant

(SUIT FOR RECOVERY OF MAINTENANCE ALLOWANCE)

(APPLICATION FOR SETTING ASIDE EX-PARTE JUDGMENT
AND DECREE DATED 2024)

APPLICATION FOR SUSPENSION OF OPERATION OF
JUDGMENT AND DECREE DATED 2024 AND FOR STAYING
THE EXECUTION PROCEEDINGS.

Respectfully Sheweth:-

1. That the applicant has filed the above titled application in this Honourable court.
2. That the contents of the main application may kindly be read as an integral part and parcel of this application.
3. That applicant has a good prima facie case in his favour and the same is likely to be succeeded.

4. That the balance of convenience lies in favour of the applicant and against the respondent.

5. That if the interim relief as prayed for is not granted, the applicant shall suffer irreparable loss and injury.

PRAYER:

It is, therefore, most respectfully prayed that;-

i. That the execution proceedings against the applicant may kindly be stayed for the interest of justice.

ii. Operation of the judgment and decree dated 14.02.2024 may very kindly be suspended.

Ad-interim injunction may also be awarded.

Any other relief which this Honourable Court deems fit and proper may also be awarded.

Applicant/defendant

Through

Counsel

Advocate High Court

IN THE COURT OF MR. MUHAMMAD HUSSAIN, LEARNED
JUDGE FAMILY COURT, LAHORE.

In re:-

Plaintiff Vs. Defendant

(SUIT FOR RECOVERY OF MAINTENANCE ALLOWANCE)

(APPLICATION FOR SETTING ASIDE EX-PARTE JUDGMENT
AND DECREE DATED 14.02.2024)

APPLICATION FOR SUSPENSION OF OPERATION OF
JUDGMENT AND DECREE DATED 14.02.2024 AND FOR
STAYING THE EXECUTION PROCEEDINGS.

AFFIDAVIT OF: *Barbara* son of

*I the above named deponent do hereby solemnly affirm and
declare as under:*

*That the contents of accompanying Application are true and
correct to the best of my knowledge and belief and nothing has
been concealed therein.*

Deponent

VERIFICATION:

Verified on Oath at Lahore this ____ day
of February, 2024 that the contents of
the above affidavit are true and correct
to the best of my knowledge and belief
and nothing has been concealed therein.

Deponent

**IN THE COURT OF FAMILY JUDGE AT KARACHI
MALIR**

Family Suit No. / 2023

Mst. FB / Plaintiff D/o
MBZ,
Muslim, Adult,, Karachi

Plaintiff

VERSUS

MRK / Defendant S/o,
MIK
Muslim, Adult, Karachi
Defendant

**SUIT FOR DISSOLUTION OF MARRIAGE
BY WAY OF KHULA**

The plaintiff abovenamed most respectfully begs to submit as
under:-

1. That the plaintiff was married with the defendant on 1996,
according to the Muslim Family Law, against the dower amount
of Rs.25,000/- which is still unpaid.

**(Copies of Nikahnama and Electric Bill are enclosed
herewith and marked as annexure 'A' & 'B').**
2. That after Nikah, Rukhsati took place and marriage was duly
consummated between the spouses, while from the said wedlock
no issue was born.
3. That since last few months, defendant changed his behaviour and
showed his true colors of his eyes and started rude behaviour
with the plaintiff and made her life miserable day by day.

4. That the defendant always used to torture, abuse & maltreat the plaintiff but the plaintiff having no alternate shelter endured all that just under the hope that by the passage of time the defendant will realize his responsibilities and resultantly in future a happy & normal matrimonial life will start for the plaintiff but all such hopes of the plaintiff went in vain due to continuous habitual misconduct, maltreatment, ill attitude, immoral and financial demands and illegal activities of the defendant.
5. That the defendant during entire matrimonial life failed to properly maintain the plaintiff and plaintiff was constrained to maintain herself by doing job or taking money from her own parents for her livelihood.
6. That the defendant after beating kicked out the plaintiff only wearing her three clothes and since then she is residing at her parent's house and the defendant miserably failed to send single penny in lieu of maintenance for the plaintiff.
7. That neither the defendant ever did not provide plaintiff any love or affection nor the defendant performed his legal & moral matrimonial obligations towards the plaintiff as prescribed under Islam. Further that the plaintiff had tried her level best to incline the defendant for desisting from his immoral demands, ill attitude, unlawful conduct, illegal financial demands and un-human behaviour and to realize him the matrimonial responsibilities laid upon him by Almighty Allah, but due to

obstinacy of the defendant all sincere efforts of the plaintiff remained unfruitful. It will not be out of place to disclose here that some common well wishers of both the parties have also tried to incline the defendant for keeping the plaintiff as his wedded wife by providing her the rights and to behave with her like a human, but the defendant did not pay any heed towards those sincere advice.

8. That the plaintiff has developed serious hate in her mind / heart against the defendant and now under the circumstances, she will prefer to die instead of rejoining the defendant as his wife, hence this suit for dissolution of marriage by way of khula.
9. That plaintiff is ready to forgo her dower amount in lieu of Khula granted by this Hon'ble Court.
10. That the cause of action has arisen to the plaintiff against the defendant for filing the instant suit against the defendant firstly when she was married with the defendant and thereafter defendant failed to maintain her and always use to beat, maltreat, abuse and torture the plaintiff and finally defendant after beaten kicked out the plaintiff only wearing her three clothes and the same cause of action is still continued day to day till the instant suit of the plaintiff is decreed as prayed.

11. That the plaintiff is residing at the above mentioned address,
within the territorial limits of P.S. , which is
within the jurisdiction of this Hon'ble Court.
12. That the proper Court fee as prescribed under the law has been
affixed on the plaint.

PRAYER

It is, therefore, respectfully prayed that this Hon'ble Court may
graciously be pleased to pass a Judgement and Decree in favour of the
plaintiff and against the defendant as follows.

- a). To dissolve the plaintiff's marriage with the defendant by way of
Khula, as the plaintiff is ready to forgo her dower amount in lieu
of Khula.
- b). To grant cost of the Suit or any other relief(s) which this Hon'ble
Court under the facts and circumstances of the matter may deem
fit and proper.

PLAINTIFF

Karachi.

Dated: ADVOCATE FOR THE PLAINTIFF

VERIFICATION

I, Mst. FB / Plaintiff D/o MBZ, Muslim, Adult, R/o Karachi, the
plaintiff in the above matter do hereby solemnly affirmed and
verify on Oath that the contents of all the above paras including

prayer clauses are true and correct to the best of my knowledge and belief.

Karachi:
Dated:

DEPONENT

DOCUMENT FILED
DOCUMENTS RELIED UPON

As per annexures.
Original of the Annexures, and all other relevant documents.

ADDRESS OF THE PARTIES

As in Title.

ADDRESS FOR SERVICE OF
PLAINTIFF’S COUNSEL.

As in Vakalatnama.

**IN THE COURT OF FAMILY JUDGE AT
KARACHI MALIR**

Family Suit No. / 2023

Mst. FB / Plaintiff

Plaintiff

VERSUS

MRK / Defendant

Defendant

LIST OF WITNESSES

1. Plaintiff.

She will corroborate the
Version of the Plaintiff.

2.

Support the Version of Plaintiff.

3.

-----do-----

Karachi:

Dated:

Advocate for the Plaintiff

Final Argument

1. Lied in cross-examination her M. Haris Tayya son (cousin) drug dealer address and her address are the same. Which is on record she filled the cases from the same address
2. Filed custody case after 2 years of divorce to delay the matter. But filled fake dowry suit in the year 2020
3. Their lawyer was given more than 25 chances to cross examine my client but failed to do so, which shows the seriousness of a mother for custody
4. Also lied in the recovery cross that she has filled custody case in the year 2020.
5. Under oath she has submitted a fake gold receipt which was denied by the goldsmith.
6. Did not meet kids for almost 3 years, not even filed for a meeting
7. Here she accepted that she traveled to Dubai and left minor 2 Minha when she was 7 months old (but lied in the recovery suit cross that she took kids with her)
8. When she left the house on March 1st 2020 Zahra Salman was only 13 months old, my client gave divorced after 8 months
9. Clearly said in the family suit cross that she will decide about kids' custody if she wants it or not
10. She lied she is not a tiktoker dancer, A video of her Tiktoks is attached

**IN THE COURT OF GAURDIAN JUDGE WITH POWERS JUDGE FAMILY
COURT, LAHORE.**

Family Suit No. _____/2024

Mst. MZ / Plaintiff D/o kzs, Lahore

Plaintiff

Versus

1. **MU / Defendent 1** S/o KZ / Defendent 2, Lahore
2. **Mst.S / Defendent 2 (Defendant's Mother)**, Resident of House
Lahore
3. **Mr. KZ / Defendent 3, Defendant's Father,**. Lahore.

Defendants

**SUIT FOR RECOVERY OF DOWRY ARTICLES INCLUDING GOLD
ORNAMENTS WEIGHING 07 TOLAS, HAQ MEHAR (DOWRY AMOUNT)
AND GIFTS or total alternative amount of Rs. _____/-.**

RESPECFULLY SHEWETH:

1. That the addresses of the parties mentioned in the caption of the plaint are correct for the purpose of summons, notices and other process of this Hon'able Court.
2. That the brief facts of instant plaint are that the Plaintiff married to the Defendant on 2020 according to Muslim Rites and Sunnah in lieu of Haq Mehar Muajjal (Prompt Dower) that amounts to

Rs.50,000/- (Rupees fifty thousand only) and Haq Mehar Ghair Muajjal (Deffered Dower) that amounts to Rs.150,000/- (Rupees One hundred and fifty thousand only). Copy of Nikkah Nama is attached for kind perusal of this Honourable Court.

3. That out of this wedlock, Muhammad Hasnain was born.
4. That at the time of marriage, the parents of the Plaintiff gave precious Dowry articles as per list appended with plaint valuing...../- which lying in the house of the Defendant and also gave 07 Tolas gold ornaments and valuable gifts and the defendant is using the said dowry articles and ruining the same. Copy of list of dowry articles is appended for kind perusal of this Honorable Court. That, at the time of marriage, the Plaintiff's parents gave articles as dowry including Gold Ornaments, furniture, electronic items, clothes, kitchen items, other miscellaneous belongings as per list appended with plaint. This list also includes Gold ornaments, weighing 07-Tolas, Haq Mehar (Dowry amount), valuable Gifts (from parents and from Defendants) etc.
5. That after solemnization of marriage, the relations between the parties were remained cordial hardly for some months but later on the Defendant changed his behavior towards the Plaintiff and became harsh and cruel and then he on several occasions severely tortured the Plaintiff on petty household matters even in front of the inhabitants of locality and family members.
6. That after solemnization of marriage, the relations between the parties were remained cordial hardly for some months. After a few months, the attitude and behaviour of the defendant(s) with the Plaintiff changed and developed adversely which is not appreciated in any civilized family and with severity to the extent that the Defendant's mother mistreated and misbehaved to the Plaintiff and her parents. The Defendants

never paid any heed to settle and resolve brabbles and contentions with Plaintiff. These would give a lot of mental pain and put the Plaintiff and her parents in mentally stressed state of mind.

7. That afterwards the mistreatment and misbehavior of defendants towards the Plaintiff became very harsh and cruel even to the parents of the plaintiff due to their uncontrolled emotional attitudes.
8. That the few meetings between the Defendants and Plaintiff's parents were held to discuss on a very trivial complaints from the Defendants blaming the plaintiff. The Defendants would also blame the Plaintiff that she practices magic on them. The Defendant's mother would become emotionally uncontrolled that she did not care any respect and dignity of the Plaintiff in front of the servants and family friends and her parents. In this condition, the Defendant's mother would not listen to her husband and the Defendant to cool down. The Plaintiff's parents would try to reconcile and try to pacify the tense situations being the parents of a daughter.
10. That the defendants claim that the Haq Mahar MuAjjal (Prompt) and Haq Mahar Ghar MuAjjal (Deffered) has been paid in the form of ornaments (Diamond Bracelet/ Sultanite Stone set). But such a statement has not been written in Nikkah Nama. The actual statement written is that, "Rs. 50000/- (Haq Mahar MuAjjal (Prompt)) and 150000/- (Haq Mahar Ghar Muajjal (Deffered)). Total amount being Rs. 200000/-". There is no mention of anything about payment of the Haq Mahar MuAjjal (Prompt) in the form of ornaments (Sultanite stone set) and Haq Mahar Ghar MuAjjal (Deffered) in the form of ornaments (Diamond Bracelet) would be made. Rather, it is clearly mentioned that above mentioned Haq Mahar (MuAjjal

& Ghar MuAajjal) will be paid in rupees. The Payment of Haq Mahar amount is still due as mentioned in the Nikkah Namma.

11. That there are some items which were given after marriage by the Defendants willfully and blissfully to the Plaintiff, in the form of gold ornaments, stones etc. These are only gifts and the Defendants are liable to give gifts to the Plaintiff in accordance with Allah's Hadud and Shariat-a-Muhammadi. Gifts are not the alternative to Haq Mahar. The Plaintiff has the legal and fundamental rights to possess/ take back these items as gifts according to the law and Hadud Allah and Shariat-i-Muhammadi. The Defendants are legally bound to return the gifts to the Plaintiff. Some of these gifts are in the possession of the Plaintiff and some are in the possession of the Defendants. The provision of those gifts in the possession of the Defendants, is still due to be given to the Plaintiff.
12. That the Defendants were persistent on their claim, were not agreeing to pay Haq Mehar Muajjal (Prompt Dower) and Haq Mehar Ghair Muajjal (Deffered Dower) to the Plaintiff in rupees in accordance with the Nikkah Nama and after pouncing 1st Tallaq Notice on 2023. The Defendants were not agreeing even after extensive deliberations till completion of Tallaq Process on 2023 in the presence of the Councilor/ Secretary, Lahore.
13. That the Defendant(s) however agreed to pay Haq Mehar Muajjal (Prompt Dower) i.e., Rs.50000/- after deliberations with the Plaintiff and her parents in the presence of two respectable on 2023 during shifting of the Plaintiff's dowry articles and belongings. The above amount to Rs. 50000/- was transferred to Plaintiff by the Defendant, through transaction from his Bank Account on 11-2023.

14. That the Haq Mehar Ghair Muajjal (Deffered Dower) which amounts to Rs. 150000/- is still due to be paid by the Defendant to the Plaintiff.
15. That some of the dowry items have been returned by the Defendants after checking at the spot and shifted in the presence of two respectable one from each side. It was decided by the respectable that the packed items shall be checked by the Plaintiff after shifting them to her parent's house and missing items to be reported to the Defendants. The missing items have been reported to Defendants for provision to the Plaintiff. Some of the dowry items are in the possession of the Defendants. That the () marked items on the list, have been returned by the Defendant(s) on 2023 to the Plaintiff, but rest of the items have not been returned and are lying in the house of the Defendant(s) including Gold ornaments, weighing 07 Tolas, Haq Mehar (Dowry amount), valuable gifts from parents and from Defendants etc. Copy of list of Dowry articles, Gifts etc., is appended for kind perusal of this Honourable Court.
16. That the Plaintiff being wise woman and just to save her matrimonial life always tried to keep the Defendants happy but the Defendants always treated the Plaintiff like animal and their slave.
17. That the Defendants are person(s) of evil and cruel nature and they always ignored the Plaintiff and did not pay maintenance allowance to the Plaintiff.
18. That the Defendant and Defendant's mother never tried to pacify and mediate to resolve the family matters since the Defendant's mother would have the authoritative role in the house. That the Defendants would not fulfill their responsibilities as husband, mother-in-law and father-in-law of the Plaintiff and they would remain dormant and inert to

respond for resolving the matters to fruition. In fact, the Defendants would try to provide cover for each other against the Plaintiff instead of resolving the family matters.

19. That on _____, the Defendant(s) after giving her severe beating and snatching all her belongings, including the ornaments, the Defendant(s) ousted the Plaintiff from his/ their house in three wearing cloths. Since then the Plaintiff has been residing at the above mentioned address.
20. That the Plaintiff with respectable of the family members again approached to the Defendant(s) and demanded the dowry articles etc., as per list appended with the plaint or pay its alternative amount but the Defendant again flatly refused the request of the Plaintiff.
21. That the cause of action accrued in favour of the Plaintiff and against the Defendant(s) when the Defendant(s) **kicked** out the Plaintiff from his/ their house in three wearing apparels and lastly a week ago when the Defendant(s) totally refused to listen the genuine request of the Plaintiff, and the same cause of action is still continuous.
22. That the parties of the suit are residing at Lahore, the cause of action accrued at Lahore, hence this Honourable Court has got jurisdiction to adjudicate upon the matter.
23. That the value of the suit for the purpose of court fee is fixed Rs.15/-.

PRAYER:

It is, therefore, most respectfully prayed that a decree for recovery of dowry articles as per list

*presented with plaint or its alternative amount of Rs.-
-----/- may kindly be passed in favour of the Plaintiff and
against the Defendants.*

*It is, therefore, most respectfully prayed that
decree may kindly be passed in favour of the Plaintiff
and against the Defendant(s) as follows:*

- I. For the payment of Dower amount of Haq Mehar Ghair Muajjal (Deffered Dower) amounting to Rs. 150000/- (Rupees One hundred and fifty thousand only).*
- II. For returning of Dower articles including Gold ornaments weighing 7 Tolas and other items/ gifts etc., given by the parents of the Plaintiff, as mentioned in the list attached.*
- III. For returning of Gifts including, Gold ornaments, diamond ring etc. given by the Defendants as mentioned in the list attached.*

PETITIONER

THROUGH:

Ch. Tahir Nasarullah Warraich
Advocate Supreme Court

Rao Faheem Akhtar Khan
Advocate high Court

10-Fane Road Lahore.

VERIFICATION:

Verified on Oath at Lahore on this _____ day of January, 2024, that the contents of Paras No. 1 to 20 are true and correct to the best of my knowledge and rest of Paras No.21 to 23 are correct to the best of my belief.

PLAINTIFF

**IN THE COURT OF SENIOR CIVIL / FAMILY JUDGE
EAST, AT KARACHI**

Family Suit No. / 2021

1. Mst. MB / Plaintiff
D/o SSRJ,
Karachi
 2. Master SIH
Aged about 1 year
S/o SMYHZ
Muslim, Minor, Through
her mother / Plaintiff No.1
- Plaintiffs

VERSUS

SMYHZ
S/o SHPZ,
Muslim, Adult,,
Karachi.

Defendant

**SUIT FOR RECOVERY OF MAINTENANCE
AND DOWRY ARTICLES**

The plaintiff No.1 above named most respectfully begs to submit as under: -

1. That the plaintiff No.1 was married with the defendant here at Karachi, on -2018, in accordance with the provisions of Muslim Family Laws Ordinance/ Fiqah Jafria, against the dower amount of Rs. 1,24,000/-.
- (Photocopy of Nikahnama is enclosed herewith and marked as annexure 'P/ '.)**
2. That the Rukhsati took place on same day and the plaintiff No.1 joined the defendant at his matrimonial abode as his legally wedded life and started living with the defendant at his house. It is further submitted that the defendant's parents were also living with the defendant in the same house.

3. That the plaintiff No.1 was bestowed with valuable dower articles by her parent and gifts given by her relatives /family friends at the time of marriage along with other her other belongings as per details mentioned in list attached, were brought by the plaintiff No.1 at the matrimonial abode which are still lying with the defendant at the above said house. It is further submitted that along with dowry article she was also bestowed with valuable gold ornaments by her parents as well which are also lying with the defendant at the above said house. The estimated costs of the said dowry articles / gold ornaments is Rs. 9,00,000/-.

(List of Dowry Articles, along with copies of available receipts of gold ornaments and furniture are attached herewith and marked as annexure P/ to P/)

4. That out of this wedlock one male child namely Master SIH (the plaintiff No.2) was procreated on or about _____ (aged about one year) which is in the lawful custody of the plaintiff No.1 being mother and natural guardian of the minor.
5. That in the beginning, the attitude of the defendant towards the plaintiff No.1 was bearable but with the passage of time, the defendant started his true colour and starting maltreatment, abusing, threatening and creating domestic estrangements / violence with the plaintiff. He used to interfere in each and every affairs / aspect of the plaintiff No.1 and doubted over the plaintiff No.1 and criticized the manners of the plaintiff No.1. It is further

submitted that he never allowed the plaintiff No.1 to visit the house of her parents.

6. That the defendant's mother also used to unnecessarily interfere in the affairs of spouses and also behaved harshly with the plaintiff No.1 and always showed unbearable temperament / attitude towards the plaintiff No.1 and the defendant instead of supporting the plaintiff No.1, used to force the plaintiff No.1 to do whatever his mother said to her.
7. That it is humbly submitted that the mother of the defendant forced the plaintiff No.1 to do the whole household works like cleaning, washing and preparing of foods etc and on her refusal, she threatened the plaintiff No.1 to do the work otherwise she will be divorced by his son and moreover the defendant also used to behave in same manner with the plaintiff No.1 and also misbehaved, pressurized, threatened the plaintiff No.1 that in case you did not obey him, he would divorce her. It is further submitted that the defendant's mother also used to pressurize and threaten the plaintiff No.1 to do work otherwise left the house and lived with her parent.
8. That it is humbly submitted that the defendant never gave maintenance to the plaintiff No.1 and whatever salary he received from his job he used to give the same to his mother and failed to maintain the plaintiff No.1 being his legally wedded wife.

9. That on _____, due to the continuous maltreatment and abusive attitude by defendant's mother toward plaintiff No.1, the plaintiff No.1 left the house of the defendant for her parent house.
10. That after lapse of 10 days, the defendant came at the plaintiff No.1's parent house and promised that his parent would be shifted in upper floor and they would not interfere in their relations, and took the plaintiff No.1 with him but his parent did not shift in upper floor and instead of realizing their responsibility / duty they all tortured and maltreated the plaintiff No.1 and make the life of the plaintiff No.1 miserable and pitiable. It is further submitted that they called her parent to take away the plaintiff No.1 with them and the defendant refused to keep the plaintiff No.1 in his house as his legally wedded wife.
11. That after lapse of one week i.e. on 2020 of the above said incident, the defendant divorced the plaintiff No.1 by sending Divorce Deed dated December 2020 to the plaintiff No.1 without settling the matters arose between the spouses.

(Copies of Divorce Deed and application to UC are attached herewith and marked as annexure P/ to P/)

12. That since then the plaintiff No.1 is living at her parent house along with plaintiff No.2 and the defendant has also failed and neglected to pay maintenance of the plaintiff No.1. It is further submitted that defendant is doing job at Refinery as Operation Executive Karachi and getting / drawing salary more than Rs.1,00,000/- per month from the said job. It is further submitted

that the defendant only paid Rs.10,000/- through cheque as one month maintenance of the plaintiff No.2 but thereafter he did not pay a single penny towards maintenance of the plaintiff No.1.

13. That the defendant being father also liable to pay past and future maintenance of the minor son (Plaintiff No.2) at the rate of Rs.30,000/- per month w.e.f. December 2020 till his legal entitlement, with an increment of 10% annual as the plaintiff No.1 is only spending more than Rs.10,000/- on milk feeding, besides other expenses like clothing, pampers, napkins, vaccination & medicines etc. on the Plaintiff No.2 as such entitled to claim Rs.30,000/- per month as maintenance of the plaintiff No.2.

14. That the defendant through his counsel has sent an evasive legal notice wherein he concealed the detail of valuable dowry articles and admitted that the dowry articles i.e. One Bedroom Set, Microwave Oven, Washing Machine, LCD, clothes attaché and some other Clothings are lying at defendant's house. He further admitted that whatever your dowry articles lying with the defendant at his house are returnable to the plaintiff No1, which shows that he wanted to retain valuable articles and wanted to give only those items of his own choice, but failed and neglected to pay the maintenance of the plaintiff No.2. it is further submitted that in the said legal notice the defendant has illegally tried to force the plaintiff No.1 not to remove the ward from Karachi, he has no right or authority to impose such illegal restrictions upon the plaintiff No.1 and the plaintiff No.2 as he is

of tender age and without the company of his mother he is unable to live. Moreover the defendant is illegally claiming two days custody of minor in every week which claim is also illegal and of no legal effect / value and liable to be restrain from such illegal demands.

(Copy of Legal Notice is attached herewith and marked as annexure P/)

15. That it is humbly submitted that the defendant is continuously visited the house of the plaintiff's parent and illegally demanding the custody of the minor (plaintiff No.2) without any lawful authority , which is only age of one year, knowingly very well that he is of tender age and need feeding after every 2-3 hours, moreover he is not entitled for custody under the law and has no right to visit the house of the plaintiff No.1 and to harass and blackmail the plaintiff No.1 for custody and the plaintiff No.1 reserves the right to initiate legal proceeding against him for harassing, threatening and blackmailing the plaintiff No.1 and to restrain him from visiting the house and demanding illegal custody of the ward.
16. That it will be just and proper that this Hon'ble Court may please be directed to the Defendant to pay the maintenance allowance of the Plaintiff No 2 as mentioned above and return the dowry articles to the plaintiff No.1, moreover also restrain the defendant from visiting the house of the plaintiff No.1 and not to claim custody of the minor forcibly without lawful authority, hence this suit.

- 17.** That the cause of action accrued to the Plaintiffs against the Defendant firstly on 2018, when marriage held between the spouses, secondly on _____ when the plaintiff No,2 was procreated out of this wedlock, and thirdly on _____ when the defendant forced the plaintiffs to leave the matrimonial abode and later on 2020 divorced the plaintiff No.1 and thereafter failed to pay maintenance of the ward and the same cause of action is still continued day by day till final disposal of instant suit as prayed.
- 18.** That the plaintiffs are residing within the local limits of Police Station _____, Karachi, which is in the jurisdiction of this Hon'ble Court.
- 19.** That the proper Court fee is affixed on the plaint.

PRAYER

It is, therefore, respectfully prayed that this Hon'ble Court may graciously be pleased to pass a Judgment and Decree in favour of the plaintiffs and against the defendant as follows.

- (a) To direct the Defendant to pay past and future maintenance of the minor (Plaintiff No.2) at the rate of Rs.30,000/- per month w.e.f. December 2020 till his legal entitlement, on increment of 10% annually.
- (b) To direct the defendant to return all the dowry articles of the plaintiff No.1, as mentioned in the annexed List in its original condition or alternative to pay Rs. 9,00,000/- to the plaintiff No.1.
- (c) To direct the defendant to refrain from visiting the house of the plaintiff No.2 and demanding illegal custody of minor which is only aged of one year and as such required continue care / feeding which can only be possible in the custody of the plaintiff No.1 being mother and natural guardian.
- (d) To grant cost of the Suit or any other relief(s) which this Hon'ble Court under the facts and circumstances of the matter may deem fit and proper.

Plaintiffs
Through attorney

Karachi.
Dated:

Advocate for the Plaintiffs

VERIFICATION

I, SR son of SAMJ, Muslim, Adult, R/o Flat NoKarachi, the attorney of the plaintiff No1. above named do hereby verify on oath the contents of the above paras, say the same are true to the best of my knowledge and belief. The plaintiff No.1 is in Iddit and also ***Pardanasheen*** lady as such unable to appear before this Honorable Court as such executed power of attorney in favour of her father.

(Photocopy of Power of Attorney is filed herewith and marked as annexure P/)

Karachi:

Dated:

D E P O N E N T

DOCUMENT FILED:

Photocopies of annexures.

DOCUMENTS RELIED UPON: Originals of the above and many other relevant documents etc.

ADDRESS OF THE PARTIES: As in the title.

ADDRESS FOR SERVICE OF
PLAINTIFF'S COUNSEL:

As in Vakalatnama.

**IN THE COURT OF SENIOR CIVIL / FAMILY JUDGE
EAST, AT KARACHI**

Family Suit No. / 2021

Mst. MB / Plaintiff & Another

Plaintiffs

VERSUS

SMYHZ

Defendant

LIST OF WITNESSES

1. Plaintiff She will depose on Oath whereby she will verify the contents of the plaint.
2. Support the version of the Plaint.
3. -----do-----

Any other witnesses will be produced if required by this
Hon'ble Court.

Karachi:

Dated:

Advocate for the Plaintiff

**IN THE COURT OF SENIOR CIVIL / FAMILY JUDGE
EAST, AT KARACHI**

Family Suit No. / 2021

Mst. MB / Plaintiff & Another

Plaintiffs

VERSUS

SMYHZ

Defendant

**APPLICATION UNDER SECTION 17-A OF WEST PAKISTAN
FAMILY COURT ACTS. (AMENDMENT ORDER 2002)**

It is most respectfully submitted on behalf of the Plaintiffs abovenamed that this Honorable Court may be pleased to pass an Interim Order for the maintenance of the Plaintiff No.2, who is real son of the defendant, at the rate of Rs. 30,000/- per month on the increment of 10% annually as the plaintiff No.1 is facing hardship having no adequate and alternate source of income to maintain the plaintiff No.2 and moreover the defendant is drawing salary more than Rs.1,00,000/- per month and can easily manage to pay the same.

Prayer is made in the greater interest of Justice and in the Sprit of new latest amended law in Family Court Act.

Karachi:

Dated : ADVOCATE FOR THE PLAINTIFFS

**FOR IMMEDIATE USE IN COURT
ON BEHALF OF THE PLAINTIFFS**

**IN THE COURT OF SENIOR CIVIL / FAMILY JUDGE
EAST, AT KARACHI**

Family Suit No. / 2021

Mst. MB / Plaintiff & Another

Plaintiffs

VERSUS

SMYHZ

Defendant

AFFIDAVIT.

I, SR, son of SAMJ Muslim, adult, R/o Karachi, do hereby
state on oath here as under: -

1. That I am the attorney of the Plaintiff No.1 / Deponent in the above matter and as such am fully conversant with the facts of the case.
2. That the accompanying application Under Section 17-A of West Pakistan Family Courts Act (Amended Order 2002) has been drafted under my specific instructions and the contents of the same may be treated as a part and parcel of this affidavit.
3. That I say that the plaintiff No.1 is facing great difficulties and hardship in maintaining the minor (Plaintiff No. 2) as she has no adequate source of income and the plaintiff No.2 is real son of defendant, so he is liable to pay past and future maintenance to minor as prayed in the main suit as well as in the accompanying application.

4. That I say that the defendant is doing job at Attock Refinery as Operation Executive at Port Qasim Plant, Karachi and getting / drawing salary more than Rs.1,00,000/- per month from the said job and Rs.30,000/- is a very rare amount to be paid by him out of his salary as he is the only son of the defendant.
5. That I say that the plaintiff No.1 is spending only Rs.10,000/- on his milk feeding, besides other expenses being incurred on clothing, pampers, napkins, cleanings, nourishment, vaccination and medicines etc. which total comes to the tune of more than Rs.30,000/- in today's era of high inflations.
6. That unless my accompanying application is granted the plaintiff No.1 and minor shall suffer irreparable loss and his health, education and future shall be seriously prejudiced.
7. That whatever is stated above is true and correct the best of my knowledge and belief.

Karachi:

Dated :

DEPONENT.

IN THE COURT OF FAMILY JUDGE AT KARACHI CENTRAL

Family Suit No. / 2023

Mst HN/PLAINTIFF 1,
Karachi.

Applicant

VERSUS

1. Mr UMF / Defendant 1
 , Karachi

2. Public at Large

Respondents

1. MUF / Defendant 2 aged about 11 years

2. AF aged 5 years

Minors

**APPLICATION UNDER SECTION 7 & 8 OF
THE GUARDIAN AND WARDS ACT 1890.**

The applicant above named most respectfully beg to submit as
under: -

1. That the applicant was married with the respondent No.1 on
 2010 according to the Muslim Family Law, against the dower
 amount which is still unpaid by the respondent No.1.

**(Copy of Nikkah Nama is enclosed herewith and
marked as annexure 'A/1'.)**

2. That after Nikah, Rukhsati took place and marriage was duly
 consummated between the spouses, and out of the wedlock
 two male children namely (1) UF aged about 11 years and (2)
 AF aged 5 years, (minors above) were procreated, which are in
 lawful custody of the applicant.

3. That after the marriage Applicant joined Respondent No.1 as his legally wedded wife and performed her conjugal obligations as per law, customs and usages having the force of law.
4. That initially the matrimonial relation was satisfactory but with the passage of time, Respondent No.1 started harassing and teasing Applicant on one pretext or the other and started quarrelling with the applicant on petty matters. It is further averred that Applicant being an educated and respectable lady borne all the atrocities with the good hopes that the respondent No.1 would mend his behavior with the passage of time, but it is matter of record that Respondent No.1's campaign of harassment, torture, physical and mental exaggerated to much extent. Besides the facts that Respondent No.1 has always neglected Applicant from the maintenance, for which Respondent No.1 is legally bound to provide.
5. That on or about 2021, Respondent No.1 contracted second marriage with one Mst RZ without the consent and permission of Applicant as such Respondent No.1 has committed an offence and liable to be prosecuted under the law and Applicant reserves her right to initiate legal proceeding against the Respondent No.1 for the above said offence.
6. That on or about r 2021, Respondent No.1 has executed an agreement and agreed to pay maintenance of Rs.20,000/- per month of the minors to Applicant and thereafter Respondent No.1 further agreed to pay an additional amount of Rs.4000/-

against Quranic tuition fee of the minor children but thereafter Respondent No.1 only paid Rs.22000/- for two months.

7. That in the month of March 2022, Respondent No.1 only paid Rs.17000/- and promised to pay the remaining amount of Rs.5000/- in next month but again Respondent No.1 only paid Rs.22000/- and failed to pay the previous amount. It is submitted that upon demand of the said amount by Applicant Respondent No.1 not only refused to pay the same but also started a campaign of harassment, blackmailing and threatening Applicant and her ailing father to face dire consequences.
8. That it is humbly submitted that the Respondent No.1 is getting salary of Rs.1,50,000/- from his job but Respondent No.1 failed to pay the maintenance the wards for which he was bound to pay the same under the law as such Applicant demanded through a family Suit bearing Suit No. /2022 which is pending before the Honorable Civil and Family Judge at Karachi Central, for an amount of Rs.30,000/- per month for each child along with her maintenance @ Rs.20,000/- per month being very rational in this era of high inflation of commodities and other expenses including education expenses of the children. It is further submitted that minor No.1 Master MUF is studying in School, in class VI and applicant has been paying his tuition fee @ Rs.5800/- and other schooling expenses. It is further submitted that the minor No.2 is also studying in Schooling Systems in Jr -1 and his tuition fee for an

amount of Rs.3500/- per month along with other expenses are also being borne by the applicant but the respondent No.1 is failed and neglected to pay any maintenance , however, the applicant also expending other charges i.e. medical, groceries, entertainment, fitness from her own sources and the said amount is very rational in such era of high inflation in the country for daily use of commodities and other allied items.

(Copies of Family Suit for Maintenance along with annexures, Challan / Deposit slips of schools are attached herewith and marked as annexure P/ to P/)

9. That the applicant filed a family Suit No._____/2022 before the Honorable Court of _____ , for dissolution of marriage by way of Khullah, and the Honorable Court was pleased to grant Khulla to the applicant.

(Copy of Complaint along with annexures are filed herewith and marked as annexure P/)

10. That it is pertinent to mention that besides the schooling, the applicant No.1 has arranged extra coaching for better education of the minors by appointing well skilled tutor at home and is also looking after the curricular activities of the minors by providing them all the facilities at home.
11. That it is humbly submitted that all the expenses incurred on education , nourishment of the minors, medical facilities and other entertainment are born by the applicant through her parents, which shows her sincerity devotion and responsibility towards the better education and brought up and looking after the general requirements of minors, which approximately comes to the tune of Rs.50000/- per month which includes the

school fees, including all dues etc. , tutor fee deputed for school activity and language classes , conveyance charges, Aya Charges, grocery expenses, pocket money, medications , entertainments, picnic and scholastic visits etc.

12. That the applicant along with minors is residing at above said address along with her mother and brothers, where a comfortable environment is available for the minors.
13. That it is humbly clarified that the mother and brothers, of the applicant are extending full love, affection to the minors and the minors is enjoying their company. It is also clarified that all the family members are educated and as such the minors are enjoying an edified environment at home. It is evident that there is no adverse interest of the applicant or other inhabitants (her mother and brothers) in the minors.
14. That it is humbly submitted that applicant has not contracted any marriage after her Khullah, whereas the respondent No.1 has contracted second marriage with second marriage with one Mst RZ. It is evident by these facts that the applicant has sacrificed her life for betterment and better future of the minors, whereas the respondent No.1 has got second marriage . Beside this, in presence of his second wife with the respondent No.1, the minors shall be discriminated which would detrimental to their future life, whereas the applicant and minors are enjoying peaceful, edified life in their present home.

15. That after Khulla, the applicant is facing troubles in administration different affairs of minors due to lack of guardianship certificate issued by competent court of law / this Honorable Court, specifically when the respondent No.1 is not cooperating in any manner.
16. That it is humbly submitted that on many occasions, the minors was required to obtain the consent / signatures of both the parents for certain school activities specifically in school parent meetings etc. , option for picnic and option for joining the different hobbies, activities clubs at school etc. but the respondent No.1 has never cooperated with the applicant, beside this, the applicant happened to face tribulations when she appeared before NADRA for issuance of Form-B/ CNIC of the minors as she was required to produce father of minors before NADRA office.
17. That being a religious and edified lady, the applicant intends to perform Umrah along with minor but the passport or traveling documents cannot be managed without obtaining subject Guardianship Certificate by the competent court of law as such filing of instant application has become inevitable, hence this application is being filed before this Honorable Court.
18. **That,** it is evident that welfare of the minor lies with the mother/ applicant as she is maintaining her by serving in a private sector in such challenging state of circumstances , whereas the respondent No.1 is oblivious / reluctant to pay the maintenance

of his children inspite of clear cut stipulations made by him before the common well-wishers / elders of the family.

19. **That**, the applicant is the **natural guardian** of minors and are being looked after by the applicant. It is humbly submitted that the applicant being real mother of the minors has **no interest adverse to the interest of the minor**. It is further submitted that no other person can look after the interest of minors except the applicant.
20. **That**, the minors are studying in renowned educational institution of the city, the education of the minors is completely managed by the applicant since her separation / beginning of scholastic career of the minors.
21. **That**, the Physical and actual custody of the minors are with the applicant (mother) , who is residing at above said address, the applicant is providing maintenance / shelter and looking after their welfare in the best possible way, she is also taking interest in his better education, health and in mental growth, which shall be conducive to become good citizen of the country.
22. **That**, it is clarified that the interest of the applicant is not **adverse to the interest of the minors** and the applicant is most appropriate and feasible lady to be appointed as guardian of the minors.

23. **That**, an affidavit sworn by the applicant in support of this application, is being filed by depicting the undertaking to provide the shelter and better education and to bear the educational expenses necessarily required for the edification of the minors in their future life and for their welfare till they attain the age of majority.
24. **That**, no other person is neither interested nor required to become guardian of the minors as the minors are being looked after by the applicant being his real mother and father / respondent No.1 is reluctant to see even during his ailment. It is humbly clarified that till the date there is no property in the name of the minors and are being looked after by the applicant being their real mother, who shall be an appropriate person to manage any property which came as the ownership of the minors.
25. **That** no application for grant of **Guardian Ship Certificate of person and / or property** of minors has been moved prior to the instant application.
26. **That** for the purpose of jurisdiction, the minor is residing within the territorial Limits of **P.S** **Karachi**, which comes under the jurisdiction of this Hon'ble Court.
27. **That** proper Court fee as is required under the law has been affixed on the face of the application.

PRAYER

In view of the above said conspectus of facts , it is humbly ,
prayed that this Honorable Court may graciously be pleased to
appoint the applicant as **Guardian of the Minors** of person and
property.

Prayer is made in the interest of justice.

Applicant

Karachi

Dated. .

Advocate for the Applicant.

VERIFICATION

I Mst HN/PLAINTIFF 1 daughter of AHK, Muslim, adult,
Resident of Karachi, the applicant in the above matter, do hereby state
on oath that whatever has been stated above is true and correct to the
best of my knowledge, information, and belief.

Deponent

Documents filed: Annexures A/ to A/ .

Documents relied upon: The above and all other documents &
relevant documents relating to the
above suit.

Address of the applicant As in the title of the Application

Address of the Advocate As per Vakalatnama

IN THE COURT OF FAMILY JUDGE AT KARACHI CENTRAL

Family Suit No. / 2023

Mst HN/PLAINTIFF 1

Applicant

VERSUS

Mr UMF / Defendant 1 & Another

Respondents

MUF / Defendant 2 & Another

Minors

**AFFIDAVIT IN SUPPORT OF APPLICATION
UNDER SECTION 7 & 8 OF THE GUARDIAN
AND WARDS ACT 1890.**

I, Mst HN/PLAINTIFF 1 daughter of Abdul Hannan Khan, Muslim, adult, resident of House No. Karachi., the applicant in the above matter, do hereby state/declare on oath as under:-

1. **That** I am the applicant in the above case and as such am fully conversant with the facts of the case.
2. **That** the minors are under my actual and physical supervision, so I am providing them all required facilities / environment for their mental and physical growth including their schooling, entertainment , clothing and medication etc.
3. **That** the minors are my real sons, as such I have **natural love and affection** for them and I have no personal interest against the interest of the minors.
4. **That** I undertake to provide them with a better education and all the educational expenses and other miscellaneous expenses will be borne by me in future till they attain the age of the majority or settled independently.
5. **That**, I say that in case any property becomes the ownership of minors I shall honestly manage , look after it and shall spend it on better future, building up of the minors.

6. **That**, I say that unless the accompanying application is allowed as prayed, I seriously prejudiced, and interest /welfare of the minors shall also be prejudiced.

7. **That**, I say that whatever has been stated above is true and correct to the best my knowledge and belief.

Deponent

IN THE COURT OF FAMILY JUDGE AT KARACHI CENTRAL

Family Suit No. / 2023

Mst HN/PLAINTIFF 1

Applicant

VERSUS

Mr UMF / Defendant 1 & Another Respondents

MUF / Defendant 2 & Another Minors

DECLARATION

I, Mst HN/PLAINTIFF 1 daughter of AHK, Muslim, adult, resident of House No. Karachi., the applicant in the above matter, do hereby state/declare on oath as under: -

1. **That**, I am the real mother of the minor. It is averred that I was married with HR (Respondent No.1), father of minors **on or about 2010** but due to the domestic estrangement the marriage could not prove to be successful as such I got Khulla from Honorable Court of law as such minors are totally dependent on me. I further say that even prior to the dissolution of marriage, the minor was being looked after by me since separation as the respondent was not giving any heed to me as well as their minor sons.
2. **That** , the minors are being well maintained by me including their education, nourishment and general brought up .
3. **That**, I further undertake that if the **Guardianship Certificate** is granted I shall maintain the minors with same Zeal and Zest.
4. That whatever has been stated above is true and correct to the best of my knowledge, information, and belief.

Deponent

IN THE COURT OF FAMILY JUDGE AT KARACHI CENTRAL

Family Suit No. / 2023

Mst HN/PLAINTIFF 1

Applicant

VERSUS

Mr UMF / Defendant 1 & Another Respondents

MUF / Defendant 2 & Another Minors

AFFIDAVIT OF NO OBJECTION

I, Mst SA wife of MA, Muslim, adult , Resident of

, Karachi, do hereby state/declare on oath as
under:-

- 1. That** I am one of the witnesses of the applicant and I know the applicant and her minors children as such am fully conversant with the facts of the case.
- 2. That,** the minors are under the actual and physical supervision of applicant being their mother and natural guardian and as such she is providing them all the required facilities / environment for their mental and physical growth including their schooling, nourishment, clothing and medication etc.
- 3. That** the minors are real sons of the applicant, as such she has **natural love and affection** for them and has no personal interest against the interest of the minors.
- 4. That,** I say that I shall have No Objection , if the Guardianship Certificate is granted in favour of the Applicant for person and property of the minors.
- 5. That,** I say the applicant is the most suitable person to be appointed as guardian of minors w.e.f to person and property .

6. **That**, I say that I know that minors are being looked after by the applicant in a better way since her separation and specifically after separation.

7. **That** I say that I believe that applicant is the fit person to be appointed as a guardian of the person and property of the minors and can bear all the expenses of the minors.

8. That I say that the applicant bears good moral character and is a religious lady who is looking after the brought up of minor in edified and religious manners.

9. **That** I say that the applicant has deputed the tutors for school education, for religious education and improving English language separately.

10. **That**, I say that whatever has been stated above is true and correct to the best my knowledge and belief.

Deponent

IN THE COURT OF FAMILY JUDGE AT KARACHI CENTRAL

Family Suit No. / 2023

Mst HN/PLAINTIFF 1

Applicant

VERSUS

Mr UMF / Defendant 1 & Another Respondents

MUF / Defendant 2 & Another Minors

THIRD PARTY AFFIDAVIT

I, Mst T daughter of AK, **Muslim, adult, Karachi Central**, do hereby state/declare on oath , as under:-

- 1. That** I am the deponent of this affidavit and as such am well conversant with the facts of the matter in issue.

- 2. That,** I say that I know the applicant. I also known the applicant was married with the respondent No.1 on or about 2010, but there were estrangements between the spouses as the respondent No.1 was reluctant to look after his family i.e., wife and subsequently his sons/ minors and ultimately the marriage ties was dissolved by way of Khullah.

- 3. That,** I say that I know that the minors are being looked after by the applicant. I further say that I know that the minors are studying in in renown institution and getting proper education .

- 4. That** I say that the applicant bears good moral character and is a religious lady who looks after the brought up of minors in edified and religious manners.

- 5. That** whatever has been stated above is true and correct to the best of my knowledge, information and belief.

Deponent

IN THE COURT OF SENIOR CIVIL JUDGE, LAHORE.

Civil Suit No. _____/2023

1. GS/Plaintiff 1 daughter
2. AN/Plaintiff 2 daughter
3. MA/Plaintiff 3 son
of MR, residents of, Lahore.

Plaintiffs

V E R S U S

1. Public-at-Large.
2. Lahore Development Authority,

Defendants

**SUIT FOR DECLARATION OF LEGAL HEIRS AND
MANDATORY INJUNCTION.**

Respectfully Sheweth:-

1. That the father of plaintiffs namely MR died on 2008 and he left behind the plaintiffs as his legal heirs. Parents of deceased had also been died. The deceased contracted only one marriage. The mother of plaintiffs was died 2001. Copies of death certificate are attached herewith for kind perusal of this Hon'ble Court.
2. That the deceased MR left behind the property/ House Noland measuring 7-Marals, 50Sq.Ft.,, Lahore, vide bearing Document Copy of ownership documents are attached herewith.
3. That the plaintiffs are only legal heirs of said deceased MR and they are entitled to inherit the said property.
4. That the plaintiffs approached to defendant No.2 and informed about the death of MR and requested them to incorporate the

names of plaintiffs as the legal heirs of (deceased) MR, regarding the above said property, but they flatly refused to incorporate the names of plaintiffs in their record as legal heirs and asked for a decree for declaration from the competent court of law declaring them as legal heir of MR. Hence this suit.

5. That the cause of action arose firstly when MR died and secondly when defendant No.2 refused to incorporate the names of the plaintiffs as legal heirs of the deceased in their record with regard to the above said property and the same is still continuing.

6. That the plaintiffs are residing at Lahore, the cause of action accrued at Lahore, the suit property are also situated at Lahore, and defendant No.2 has its office Lahore hence this Hon'able Court has got jurisdiction to adjudicate upon the matter.

7. That value of the suit for purpose of court fee and jurisdiction is fixed at Rs:- 200/- which is exempted from payment of court fees.

PRAYER:-

Under the circumstances narrated above, it is most respectfully prayed that a decree for declaration may kindly be passed in favour of the plaintiffs and against the defendants declaring the plaintiffs as legal heirs of deceased MR regarding above said property, in the interest of justice equity and fair play.

It is also prayed that defendant No.2 may kindly be directed to incorporate the names of the plaintiffs as sole owner of the above said property.

Any other relief which this Hon'able Court deems fit and proper may also be awarded.

Plaintiffs

Through

VERIFICATION:-

Verified on Oath at Lahore this _____ *day January,*
2024 that the contents of Paras No.1 to 4 are
true to the best of my knowledge and belief and
those of Paras No.5 to 7 are true to the best of
my information and belief.

Plaintiff No.1

IN THE COURT OF GUARDIAN JUDGE, LAHORE.

Guardian Petition No. _____/2023

**Plaintiff son of
resident of**

Petitioner

V E R S U S

**defendant daughter of
resident of**

Respondent

**PETITION UNDER SECTION 25 OF GUARDIAN AND
WARDS ACT 1890 FOR THE CUSTODY OF MINORS**

Respectfully Sheweth:-

1. That the petitioner married to the respondent
on _____ according to Muslim Rites. During the
subsistence of marriage the minors (1) _____ (2)
_____ (3) _____ (4) _____ were born,
who is/are presently in the custody of respondent.
2. That the petitioner has a very much affection
and inclination towards the minors being real father.
3. That the petitioner is entitled to have custody of
said minors on following grounds amongst other;-

GROUND

a. That the petitioner is the real father of the minors and as such he is the real and natural guardian of the minors.

b. That atmosphere of the respondent's home is not conducive and healthy for the minors' mental growth and psychological welfare and health of the minors.

c. That atmosphere of respondent's home is indiscreet, improper non-religious and non conducive for proper upkeep and growth of the minors.

d. That the petitioner being the father and natural guardian of the minors wants to look after minors in a proper way for which the petitioner is seeking custody.

e. That there is a strong apprehension that due to respondent's careless and rude attitude, the minors will not be properly looked after by the respondent and it is in the welfare of the minors that custody of minors

be handed over to the petitioner as father of minors as early as possible.

f. That the petitioner is ready and willing to become the actual guardian of the minors if custody of minors is given to petitioner in the larger interest and welfare of the minors.

g. That the petitioner has great love and affection with the minors being real father.

So he wants to take custody of the minors. It is pertinent to mention here that the minors' growth is reportedly not properly developing due to insufficient diet, improper medical treatment and improper look after.

h. That the petitioner has time and again asked the respondent to handover the custody of the minors to the petitioner but the respondent has flatly refused to accede to the genuine request of the petitioner.

4. That the cause of action firstly accrued in favour of the petitioner and against the respondent when the respondent has flatly refused to handover the custody of the minors. The petitioner is not even

allowed to have a meeting with the minors and the respondent finally refused to adhere the genuine and lawful request of petitioner, thus the cause of action is still continuing.

5. That the parties to the petition are residing at Lahore, cause of action has accrued at Lahore, hence this Hon'able Court has got jurisdiction to entertain the matter.

6. That the requisite court fee has been affixed on the plaint.

PRAYER:

Under the above said circumstances, it is most respectfully prayed that keeping in view the above alarming situation and welfare and future of the minors, the petition under hand may kindly be accepted and the custody of the minors may kindly be handed over permanently to the petitioner for proper and better welfare of minors keeping in view future of the minors.

It is further prayed that till the decision of this petition the respondent may kindly be directed to bring the minors in this Hon'able

Court and the petitioner be allowed to see/meet minors under the supervision of this Honourable Court and be restrained from removing the minors from the jurisdiction of this Honourable Court i.e. out of city.

Any other relief which this Hon'able Court deems fit may also be awarded.

Petitioner

Through

VERIFICATION:

Verified on Oath at Lahore, this day of December, 2023

that the contents of the above petition from Paras 1 to 3 are true and correct to the best of my knowledge and rest of the Paras 4 to 6 are correct to the best of my information and belief.

Petitioner

IN THE COURT OF GUARDIAN JUDGE, LAHORE.

In re:

Plaintiff Vs. defendant

**(PETITION UNDER SECTION 25 OF GUARDIAN AND
WARDS ACT 1890)**

**Application: UNDER SECTION 12 OF
THE GUARDIANS AND WARDS ACT FOR
INTERIM CUSTODY OF THE MINORS.**

Respectfully Sheweth;-

1. That the petitioner has filed the accompanying petition under Section 25 of the Guardian & Wards Act in this Hon'able Court and the contents thereof may kindly be read and treated as an integral part of this application.

2. That because of in-conducive atmosphere, neglect and carelessness of the respondent towards the minors, not only the physical but mental health of the minors is in a very serious condition and there is strong apprehension of further deterioration of the minors if minors are not taken from custody of the respondent. That the petitioner is not being allowed to even see the minors.

3. That in order to protect the interest, welfare and well-being of the minors and for benefit of minors, the exigency of the case demands that interim custody of minors may be handed over to the petitioner for which this Hon'able Court has got prerogative.

4. That if the interim custody sought for, is not granted, it will be injurious and harmful for the minors to keep minors in the custody of the respondent till the decision of the main case.

5. That the petitioner has a good prima facie case in his favour and balance of convenience also lies in favour of the petitioner.

6. That if interim custody of the minors is not handed over to the petitioner, the petitioner as well as the minors would be bound to suffer an irreparable loss and injury.

In view of the submissions made above, it is respectfully prayed that interim custody of the minors may kindly be handed over to the petitioner/father till the decision of the main Guardian Petition in the interest of justice.

It is further prayed that the respondent may kindly be ordered to produce the minors

before this Hon'able Court on each and every date of hearing for meeting with the petitioner.

It is also further prayed that the respondent may also be restrained from removing the minors from the TERRITORIAL JURISDICTION of this Hon'able Court till the decision of the case.

Petitioner

Through

IN THE COURT OF GUARDIAN JUDGE, LAHORE.

In re:

Plaintiff Vs. defendant

**(PETITION UNDER SECTION 25 OF GUARDIAN AND
WARDS ACT 1890)**

**Application: UNDER SECTION 12 OF
THE GUARDIANS AND WARDS ACT FOR
INTERIM CUSTODY OF THE MINORS.**

AFFIDAVIT OF: Plaintiff

**I the above named deponent do hereby solemnly affirm
and declare as under:**

**That the contents of accompanying “Application” are true
and correct to the best of my knowledge and belief and
nothing has been concealed therein.**

Deponent

VERIFICATION:

***Verified on Oath at Lahore this __ day of December,
2023 that the contents of the above affidavit are true
and correct to the best of my knowledge and belief and
nothing has been concealed therein.***

Deponent

IN THE COURT OF GUARDIAN JUDGE, LAHORE.

Guardian Petition No. _____/2024

Mst. H daughter of

Petitioner

V E R S U S

JS son of

Respondent

PETITION UNDER SECTION 25 & 7 OF GUARDIAN &
WARDS ACT 1890 FOR THE PERMANENT CUSTODY OF
MINOR _____.

Respectfully Sheweth:-

1. That the brief facts of the Guardian
Petition are that the petitioner married
to the respondent in accordance to Muslim
Rites on _____.

2. That out of this lawful wedlock minor
namely _____ was born who is alive
and presently is in the custody of
petitioner.

3. That the petitioner seeks the permanent custody of the minor on the following amongst other:-

GROUNDS

a. That the respondent is unable to provide proper attention, education, feed, medication to the minor, resultantly the future of minor ward would definitely be insecure.

b. That the petitioner being the real mother of the minor has a preferential right to Hazanat.

c. That the welfare and interests of the minor lie with the petitioner and if the custody of the minor is not permanently handed over/ remained with the petitioner, the minor ward will suffer mentally and physically.

d. That in whole of the world there is no alternate of mother for minor.

e. That the petitioner and minor from the first breath of minor are affiliated and united to each other.

f. That it is settled law the lap of mother is lap of God.

g. That the petitioner has great love and affection with minor.

h. That the petitioner and minor both cannot be separated from each other.

4. That a week before the respondent tried to snatch the custody of the minor from the petitioner, but due to severe resistance of the petitioner and other respectable persons the respondent failed to do and he is adamant to remove the custody of the minor from petitioner, hence this petition.

5. That the cause of action arose when the respondent started his illegal activities secondly when the respondent tried to snatch the custody of the minor from the

petitioner and the same cause of action is still continuous.

6. That the petitioner alongwith minor is residing at Lahore, cause of action accrued at Lahore, hence, this Hon'able Court has got jurisdiction to adjudicate upon the matter.

7. That the requisite court fee has been affixed upon the petition.

PRAYER

UNDER THE ABOVE CIRCUMSTANCES, it is, therefore, most respectfully prayed that the petitioner may very kindly be appointed as guardian of the minor and permanent custody of the minor may kindly be remained with petitioner.

It is further prayed that the respondent may kindly be restrained from snatching the custody of the minor from the lawful custody of the petitioner.

Any other relief which this Hon'able
Court deems fit may also be awarded.

Petitioner

Through

Advocate High Court
Aiwan-e-Adal, Lahore.

VERIFICATION

*Verified on Oath at Lahore, this _____ day of **December, 2024** that the contents of the above petition from Paras No. 1 to 4 are true and correct to the best of my knowledge and rest of the Paras No. 5 to 7 correct to the best of my information and belief.*

Petitioner

IN THE COURT OF GUARDIAN JUDGE, LAHORE.

In re:-

Mst. H Vs. JS

(GUARDIAN PETITION)

APPLICATION FOR THE GRANT OF STAY ORDER.

Respectfully Sheweth;-

1. That the above titled petition has filed before this Hon'ble Court in which no date of hearing has been fixed as yet.
2. That the contents of the main petition may kindly be read as an integral part of the said application.
3. That the petitioner is capable of providing better nourishment to the minor children.
4. That the petitioner has good prima facie and arguable case and there is every likelihood for his success.

5. That the balance of convenience lies in favour of the petitioner.

6. That if the interim relief is not granted as prayed for the petitioner as well as the minor would suffer irreparable loss and injury.

It is, therefore, most respectfully prayed that the respondent may very kindly be restrained from snatching the custody of the minor from the petitioner till the final decision of this petition.

Ad-interim injunctive order may also be passed.

Petitioner

Through

Advocate High Court

IN THE COURT OF GUARDIAN JUDGE, LAHORE.

In re:-

Mst. H Vs. JS

(GUARDIAN PETITION)

APPLICATION FOR THE GRANT OF STAY ORDER.

AFFIDAVIT OF: Mst. H

I the above named deponent do hereby solemnly affirm and declare as under:

That the contents of accompanying "Application" are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

Deponent

VERIFICATION:

*Verified on Oath at Lahore this day ____ of
December, 2024 which the contents of above
affidavit are true and correct to the best of my
knowledge and belief and nothing has been
concealed therein.*

Deponent

IN THE COURT OF SENIOR GUARDIAN JUDGE LAHORE
With the powers of Judge Family Court Lahore.

Family Suit No. _____ /2023

IM son of M _____, resident of

PLAINTIFF

V E R S U S

Mst. BR daughter of M _____, wife of plaintiff
resident of

DEFENDANT

**SUIT FOR RESTITUTION OF CONJUGAL
RIGHTS.**

Respectfully Sheweth:

1. That the spouses married on _____
according to Muslim Rites & Rituals.
Copy of Nikkah Nama is ____.
2. That out of this wedlock no issue was
born.
3. That the plaintiff is giving a very
decent care to his wife since the
marriage was solemnized and always gave

the honour to his wife and the demands of the defendant.

4. That from the very beginning both the spouses led matrimonial life very happily, the plaintiff also provided maintenance and fulfilled every demand of the defendant keeping in view his source of income.

5. That on _____, the defendant left the house of the plaintiff and took away _____ and the defendant did not come back uptill now. The plaintiff went to the house of the defendant's parents and requested them to send back the defendant, but the parents of the defendant and defendant also refused to come back with the plaintiff and threatened for dire consequences.

6. That the plaintiff again approached to the defendant's parents alongwith some respectable of the family members for taking back the defendant, but the defendant's parents and defendant also again refused to accept the genuine demand of the plaintiff.

7. That the plaintiff has great love and affection with the defendant and he is ready to take back the defendant in his house at any cost.

8. That the cause of action firstly arose in favour of the plaintiff and against the defendant firstly when the defendant left the house of the plaintiff and finally when the defendant flatly refused to listen the genuine and lawful request of the plaintiff and the same still continues due to the refusal of the defendant.

9. That the plaintiff is residing at Lahore, cause of action also accrued at Lahore, hence this Hon'able Family Court has got jurisdiction to adjudicate upon the matter.

10. That the value of the suit for the purpose of court fee is fixed Rs.15/-.

It is, therefore, most respectfully prayed that a decree for restitution of conjugal rights may kindly be passed in favour of the plaintiff and against the defendant, directing her to join the plaintiff and perform her matrimonial obligations in the house of the plaintiff.

*Any other relief which this Hon'able Court deems fit may
also be awarded.*

Plaintiff

Through

M
Advocate High Court
Aiwan-e-Adal, Lahore.

VERIFICATION:

*Verified on Oath at Lahore, this ____ day of
that the contents of the above plaint from
Paras No. 1 to 7 are true and correct to the
best of my knowledge and rest of the Paras No. 8
to 10 correct to the best of my information and
belief.*

Plaintiff

IN THE COURT OF SENIOR GUARDIAN JUDGE LAHORE
With the powers of Judge Family Court Lahore.

Family Suit No. _____ */2023*

In re:

IM Vs. Mst. BR

(SUIT FOR RESTITUTION OF CONJUGAL RIGHTS)

SCHEDULE OF WITNESSES

1-

2-

3- Plaintiff himself.

All the witnesses will support the version of the plaintiff.

Plaintiff

Through

M
Advocate High Court
Aiwan-e-Adal, Lahore.

FIRST NOTICE OF DIVORCE

WHEREAS A MARRIAGE CONTRACT was entered on 02.05.2021 between **Hafiz Jahanzaib** (CNIC # 35202-1690653-1, Cell No. +971 55 341 9969 / 0553419969) son of Muhammad Nadeem, resident of **Main Bazar Mali Pura, House No.4/1 Lahore**, presently resident of **VEG World Building, Flat No. 217, Mina Bazar, Bur Dubai** (First Party) and **Laraib Akram** daughter of **Muhammad Akram** (CNIC # 42201-8995661-8, Cell # +92 321 2281851 / +92 327 2320223), resident of **House No. N1140, Street No.1, Sector-6J1, Area Korangi, Town Ship, Karachi Sharqi** (Second Party). Out of the wedlock there was no child born.

AND WHEREAS that due to certain reasons the parties cannot live as spouses and they have decided to dissolve the matrimonial tie and the parties cannot continue their relations as husband and wife as they are not living as spouses and are living separately for the last 06 Month and the first party decided to dissolve the marriage with second party.

NOW THIS DEED WITNESSES that, I the said **Hafiz Jahanziab** considering all facts and with sound mind do hereby pronounce **FIRST DIVORCE** (Talaq-e-Awal) upon **Laraib Akram**.

IN WITNESSES WHEREOF, I **Hafiz Jahanzaib**, do hereby set my hand to the deed of divorce this _____th day of _____, 2024.

EXECUTANT
Hafiz Jahanziab

WITNESSES:

1. _____

2. _____

SECOND NOTICE OF DIVORCE

WHEREAS A MARRIAGE CONTRACT was entered on 02.05.2021 between **Hafiz Jahanzaib** (CNIC # 35202-1690653-1, Cell No. +971 55 341 9969 / 0553419969) son of Muhammad Nadeem, resident of **Main Bazar Mali Pura, House No.4/1 Lahore**, presently resident of **VEG World Building, Flat No. 217, Mina Bazar, Bur Dubai** (First Party) and **Laraib Akram** daughter of **Muhammad Akram** (CNIC # 42201-8995661-8, Cell # +92 321 2281851 / +92 327 2320223), resident of **House No. N1140, Street No.1, Sector-6J1, Area Korangi, Town Ship, Karachi Sharqi** (Second Party). Out of the wedlock there was no child born.

AND WHEREAS that due to certain reasons the parties cannot live as spouses and they have decided to dissolve the matrimonial tie and the parties cannot continue their relations as husband and wife as they are not living as spouses and are living separately for the last 06 Month and the first party decided to dissolve the marriage with second party.

NOW THIS DEED WITNESSES that, I the said **Hafiz Jahanzaib** considering all facts and with sound mind do hereby pronounce **SECOND DIVORCE** (Talaq-e-Doyam) upon **Laraib Akram**. Earlier first notice of divorce was served.

IN WITNESSES WHEREOF, I **Hafiz Jahanzaib**, do hereby set my hand to the deed of divorce this _____th day of _____, 2024.

EXECUTANT
Hafiz Jahanzaib

WITNESSES:

1. _____ 2. _____

THIRD/FINAL NOTICE OF DIVORCE

WHEREAS A MARRIAGE CONTRACT was entered on 02.05.2021 between **Hafiz Jahanzaib** (CNIC # 35202-1690653-1, Cell No. +971 55 341 9969 / 0553419969) son of Muhammad Nadeem, resident of **Main Bazar Mali Pura, House No.4/1 Lahore**, presently resident of **VEG World Building, Flat No. 217, Mina Bazar, Bur Dubai** (First Party) and **Laraib Akram** daughter of **Muhammad Akram** (CNIC # 42201-8995661-8, Cell # +92 321 2281851 / +92 327 2320223), resident of **House No. N1140, Street No.1, Sector-6J1, Area Korangi, Town Ship, Karachi Sharqi** (Second Party). Out of the wedlock there was no child born.

AND WHEREAS that due to certain reasons the parties cannot live as spouses and they have decided to dissolve the matrimonial tie and the parties cannot continue their relations as husband and wife as they are not living as spouses and are living separately for the last 06 Month and the first party decided to dissolve the marriage with second party.

NOW THIS DEED WITNESSES that, I the said **Hafiz Jahanzaib** considering all facts and with sound mind do hereby pronounce **THIRD/FINAL DIVORCE** (Talaq-e-Soyam, I give her divorce, I give her divorce, I give her divorce) upon **Laraib Akram**. Earlier first, second notices of divorce were served separately.

IN WITNESSES WHEREOF, I **Hafiz Jahanzaib**, do hereby set my hand to the deed of divorce this _____th day of _____, 2024.

EXECUTANT
Hafiz Jahanzaib

WITNESSES:

1. _____

2. _____

**IN THE COURT OF FAMILY JUDGE AT KARACHI
(EAST)**

F.S. No. / 2024

Mst. AK
D/o FK
Karachi

Plaintiff

VERSUS

K S/o SV
Karachi.

Defendant

**SUIT FOR DISSOLUTION OF MARRIAGE
BY WAY OF KHULA**

The plaintiff above-named most respectfully begs to submit as under: -

1. That the plaintiff was married with the defendant at Karachi,, according to the Muslim Family Law against a dower amount of Rs.3,00,000/- (Rupees Three Lacs only), which is still outstanding against the defendant. The plaintiff is not in possession of Nikahnama as the same is in possession of the defendant as she sworn a separate affidavit in this respect. It is further submitted that the currently the plaintiff has been residing at the above said address along with her parents and brothers.

(Affidavit in place of Nikahnama is enclosed herewith and marked as annexure 'A'.)

2. That after marriage, Rukhsati took place and the plaintiff started to live with the defendant at his house.

3. That after Rukhsati, the marriage between the spouses consummated and from the said wedlock (1) AA, Date of Birth: and (2) A, Date of Birth: were born and they are in lawful custody of the plaintiff and they are being maintained by her.

4. That with the passage of time, the plaintiff came to know that the defendant is chronic additive of alcohol and most of the time he remained in addictive conditions and he used to abuse, mentally and physically tortured, maltreated and beaten the plaintiff every time while drunk.

5. That the plaintiff due to the said harsh attitude and maltreatment has lost her first baby in a miscarriage due to this reason but she tolerated the same with the hope that he would leave the said bad habit with the passage of time and they would live a happy and harmonious life with the said good days never came in their life till todate.

6. That the defendant is involved in so many extramarital affairs with girls and the plaintiff has seen so many videos and pictures with different other girls.

7. That apart from the above said maltreatments, the defendant also gave threats of killing to the plaintiff and has beaten in front of the children and his parents too.

8. That the defendant in drunken condition has given divorce countless times via his tongue in front of the plaintiff.

9. That during the entire matrimonial life neither defendant provided any love or affection to the plaintiff nor he performed legal & moral matrimonial obligations from his part as prescribed under Islam. Further that the plaintiff No.1 had tried her level best to incline the defendant for desisting from his immoral demands, ill attitude, unlawful conduct and un-human behaviour and to realize him the matrimonial responsibilities laid upon him by Almighty Allah, but due to obstinacy of the defendant all sincere efforts of the plaintiff No.1 remain result less. It will not be out of place to disclose here that some common well wishers of both the parties have also tried to incline the defendant for keeping the plaintiff as his wedded wife by providing her the rights but the defendant did not pay heed towards those sincere advises.

10. That under the circumstances, the plaintiff has left no option except to leave the house of the defendant and started living with her parent at the above mentioned address and further she developed serious hate in her heart against the defendant and now under the circumstances, she will preferred to die instead of rejoining the defendant as his wife, hence this suit for dissolution of marriage by way of khula.

11. That plaintiff is ready to forgo her dower amount in lieu of Khula granted by this Hon'ble Court.

12. That the cause of action has arisen to the plaintiffs against the defendant for filing the instant suit against the defendant firstly when plaintiff was married with the defendant, secondly in the month of

_____ the defendant after beaten kicked out the plaintiff from his house and at that time the Plaintiff was under pregnancy, finally when the defendant miserably failed to fulfill legal, moral and marital obligations from his part and neither he made any contact with the plaintiffs nor sent single penny in lieu of maintenance and the same cause of action is still continued day to day till the instant suit of the plaintiff is decreed as prayed.

13. That the plaintiff is residing at the above mentioned address, within the territorial limits of P.S. _____, which is within the jurisdiction of this Hon'ble Court.

14. That the proper Court fee as prescribed under the law has been affixed on the plaint.

PRAYER

It is, therefore, respectfully prayed that this Hon'ble Court may graciously be pleased to pass a Judgment and Decree in favour of the plaintiff and against the defendant as follows.

a). To dissolve the plaintiff's marriage with the defendant by way of Khula, as the plaintiff is ready to forgo her dower amount to the defendant in lieu of Khula.

b). To grant cost of the Suit or any other relief(s) which this Hon'ble Court under the facts and circumstances of the matter may deem fit and proper.

Plaintiff

Karachi.
Dated:

Advocate for the Plaintiff

VERIFICATION

I, Mst. AK , Muslim, Adult, R/o Karachi, the plaintiff in the above matter do hereby solemnly affirmed and verify on Oath that the contents of all the above paras including prayer clauses are true and correct to the best of my knowledge and belief.

Karachi:
Dated:

DEPONENT

DOCUMENT FILED	As per annexures.
DOCUMENTS RELIED UPON	Original of the Annexures, and all other relevant documents.
ADDRESS OF THE PARTIES	As in Title.
ADDRESS FOR SERVICE OF PLAINTIFF’S COUNSEL.	As in Vakalatnama.

IN THE COURT OF FAMILY JUDGE EAST AT KARACHI

F.S. No. / 2024

Mst. AK

Plaintiff

VERSUS

K

Defendant

LIST OF WITNESSES

1. Plaintiff

She will corroborate the
Version of herself.

2.

He will Support the Version
of plaintiff.

3.

-----do-----

Karachi:

Dated:

Advocate for the Plaintiff

IN THE COURT OF FAMILY JUDGE EAST AT KARACHI

F.S. No. / 2024

Mst. AK

Plaintiff

VERSUS

K

Defendant

AFFIDAVIT.

I, Mst. AK D/o FM, Muslim, Adult, R/o Karachi, do hereby state on Oath as under:-

1. That I am plaintiff in the above titled suit and deponent of this affidavit as such am fully conversant with the facts of the matter deposed to below.
2. That the accompanying suit for Dissolution of Marriage by way of Khula has been drafted and filed under my specific instructions & on my behalf and the contents whereof are true and correct and the same may please be treated as part of this affidavit for the sake of brevity.
3. That I say that my Nikahnama is not in my possession, as such I am unable to file any copy of the same with the plaint of my above titled suit, therefore I pray that this Hon'ble Court may graciously be pleased to exempt me from filing the copy of Nikahnama, with the plaint and further be pleased to entertain my instant affidavit.
4. That until and unless I am exempted from filing the copy of Nikahnama with the plaint, I shall be seriously prejudiced.
5. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated:

DEPONENT

IN THE COURT OF FAMILY JUDGE EAST AT KARACHI

F.S. No. / 2024

Mst. AK

Plaintiff

VERSUS

K

Defendant

AFFIDAVIT.

I, S S/o FK, Muslim, Adult, Karachi, do hereby state on Oath as under:-

1. That I am deponent of this affidavit and brother of plaintiff in the above titled suit and deponent of this affidavit as such am fully conversant with the facts of the matter deposed to below.
2. That I say that the plaintiff is living with me and our parents at the above said mentioned address since she left the defendant.
3. That I say that the address mentioned on my CNIC is old address and currently we are living at the above said address and the same address as mentioned in the plaint is the same address where the plaintiff is living with her parents.
4. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi:

Dated:

DEPONENT

IN THE COURT OF CIVIL AND FAMILY JUDGE,
CENTRAL AT KARACHI

Guardian & Ward App
plaintiff Applicant

VERSUS

SA Respondent

BESL & Others Minors

**WRITTEN ARGUMENTS ON BEHALF
OF THE RESPONDENT**

It is respectfully submitted on behalf of the respondent as under:

1. It is humbly submitted that the applicant filed the above application under section 25 of G & W Act 1890 against the respondent for permanent custody of the minors from the respondent, wherein she alleged that she being mother is entitled for custody of the minors children and welfare of the children lies with her. She further levelled and frivolous allegations against the respondent in the said application. It is further submitted that she had already filed a family suit against the respondent being FS No. and also levelled the same allegation in the said family suit as both the cases were filed by the applicant against the respondent with malafide intention and for fulfillment of her ulterior motives as she was never interested to keep the minors with her in any manner whatsoever, which facts / evidences shall be provided in foregoing paras.
2. The respondent in reply of the above said case filed his written statement and stated that the application U/s 25 & 12 G&W Act 1890, as set forth with by the applicant is not maintainable under the law. Further that the applicant has not approached to this

Hon'ble Court with clean hands and his both the applications U/s 25 & 12 G&W Act 1890, are an attempt to black mail the respondent on the issue of custody of minors for the purpose of obtaining wrongful gains from him. The applicant has approached to this Hon'ble Court without any valid or legal cause of action and the said case is liable to be dismissed with special compensatory costs.

3. That the applicant has clearly denied taking custody of minors in recovery and she is only interested in money
4. That the applicant plaintiff, did not filed the custody case for 2 years. But filed for fake dowry case after divorce.
5. That the applicant also lied in recovery cross that she has filed the guardianship case in year 2020 to mislead the case.
6. The applicant also file a fake jewelry receipt date 2008 which was made after the divorce in 2020, the receipts were also denied by goldsmith and he issued those due to his personal relations with them.
7. That the applicant has also lied in her cross examination that her drug dealer cousin doesn't live with her, whereas she filed the cases from the same address which is on record and same address is mentioned his criminal record.
8. That the applicant falsely stated in the above case that she was not paid dower amount, whereas the respondent had paid the dower amount of the applicant at the time of Nikah in the form of 7

bangles of gold on the day of wedding. It is further submitted that since the day the spouses got married she kept her all gold belonging at her mother's house, also the gold which was given to her by respondent from and my family and other gold which was made by saving day by day more for their daughters' future worth Rupees 4 Million till to date is also in the custody of the applicant and she has concealed this facts from this Honorable Court and despite of repeated demands by respondent to the plaintiff/applicant No.1 to return the same, she has failed and neglected to return the same and has illegally and unlawfully retained the said gold in her possession. It is pertinent to mention that the applicant did not completed '*Iddat*', in fact she was going to media events where she always attracted to even after 3-4 months of divorce she was in ARY Programme where she was sitting on a bike with **Na-Mehram**, how can a mother of 3 children even after getting divorced can do this, just because she always wanted to hang out with media people so she can do modeling / acting, the respondent is in possession of pictures of her where she's going to media event after divorce.

- 9. That she while leaving the house has left all the three children in the house of the respondent / father as she did not want to retain them and always feel them as a burden upon and never realized her responsibilities towards the children the children always feel uncomfortable with her mother and they are in lawful custody of the respondent and they are enjoying the company of their father and grandmother and never feel any**

deficiency of their mother and the respondent being father and natural guardian is looking after and caring them properly and further giving them proper nourishment, good quality education in reputed institutions and further the minors are enjoying the company of the respondent and their grandmother and never realized the need of their mother as they have already assessed that their mother is not interested in them.

- 10.** That it is humbly submitted that respondent doesn't live in a joint family , whereas there is no any other except respondent and his mother is living in the said house and it is also denied the respondent has changed his behavior toward the applicant No.1 , and showed true colour of his eyes and started rude behavior with the applicant and made her life miserable day by day, but on the contrary the respondent always showed love and affection with the applicant No.1 and provided her every possible and luxurious life beyond her expectations but she never appreciated his such sincere efforts and always behaved rudely with respondent and never proved to be good and responsible wife and failed and neglected to perform her conjugal rights toward respondent and her children. It is pertinent to mention that she was going to media events because she always wanted to hang out with media people so she can do modeling / acting, and she has nothing to do with the matrimonial life / obligations required to be adopted by her being mother and being my legally wedded wife and always remained away from the house without my consent and permission

with media persons as she care more for them instead of her matrimonial obligations.

11. That the applicant without consent and permission of the respondent left his house in the month of 2020 and since then she did not turn up. That the day she left the house on 1st March, 2020, she took everything with her, more than 8 bags full jewelry, clothes, make up, shoes. Whereas it is vehemently denied that the respondent left her at her parent house and kept the minors with himself. It is submitted that if she was seriously ill, she would have submit medical reports / prescriptions from authentic/reputable hospital before this Honorable Court as for her all medical issues the both spouses used to go to Aga Khan Hospital for medical treatment. **As mentioned in divorce papers she didn't contacted kids for 2 months, and after that she started calling twice thrice a week, she never bothered for their health, education and mental state. It is pertinent to mention that when the applicant No.1 left the house, the younger daughter was only 15 months old which is considered to be on mother feed but she refuted from her responsibly.**

12. That in between October, 2020 after almost 9 months first time she came to house of respondent with her father, when the respondent was not at home, they threatened again his mother, then his mother invited her father in the house on which he threatened and said, "see what I will do with you, your son and his daughters", then the applicant No.1 went inside the house and took all the remaining things which she had kept it locked (which I

was not aware of what was inside the locker, as she had the keys) and has taken away all the valuable dowry articles including gold and nothing is in possession of the respondent. It is further submitted that even before sending the divorce deed his counsel called her father, just to make them aware, if they wanted to patch up but he was very calm and told him to send the document, and within hour the respondent got a call from their lawyer and he asked respondent to send the divorce deed by courier and the respondent is having call recording as proof in his possession. It is pertinent to mention that the respondent as mentioned above had already paid the dower amount in the shape of gold ornaments at the time of Nikah and nothing is due against respondent in lieu of dower amount. I further state that this was her plan since beginning that she would sell all the gold and will enjoy her life as per her wish. Her allegation that she did not let the kids meet, is also false as they came 3 times to the house, took kids out of the house and set on stairs and told respondent that they would defame respondent everywhere, and met the kids, and made the video which she also sent to family of respondent that they are sitting outside the house and playing with daughters and whole neighbors are eye witnessed that his mother decently invited them inside the house to meet the kids which they refused and created a drama outside the house. The respondent is also having a video recording. As far as vehicle is concerned, she has herself sold the said vehicle and has utilized the said money on her own for enjoyment as she is found of drama and modeling and spent most of her money upon the said profession.

13. That I say that this is very clear that she does not want the custody of kids, as after 9 months she did not file for the custody infact she is asking for dowry which they already have and always been this greedy. The respondent also has a phone call recording in which she is clearly saying that she will not keep the kids, and she's not sick and she would tell all the to minors that the respondent is a bad person, and respondent should be the one taking care of them/children . She always forced respondent to leave her as she wanted to enjoy her life alone and always used to run away from her responsibilities and marital obligation and failed to perform her conjugal rights and even bothered to proper maintain / nourish the children and never proved to be good wife, mother and caretaker. It is further submitted state that the respondent would like to bring this into this Honorable Court notice that in 2016 she went to Dubai alone when 2nd daughter MSA was only 8 months old and was on mother feed, but she left her and elder daughter ESL , and told respondent that she will be living with their Aunts (Khala), but she was living with her friend and 2 other boys, and had an extramarital affairs, which the respondent has proof. The respondent forgave her at that time because her family requested respondent but again she started talking to random guys late at nights in the house and when the respondent asked she started fighting and so many times left the house for 4-5 hours and switched off her cell phone and was untraceable.

14. That after filling divorce her uncle Mr. Q called respondent and lawyer, and when respondent's counsel told him that Ms. plaintiff D/o MT, (plaintiff/applicant No.1) has his gold worth Rupees 4 million which was saved / made for daughters' future time to time. He promised to meet the lawyer and even after setting meeting 2-3 times, he never showed up.

15. That then again, the respondent requested her grandfather (Nana) 2-3 times, and asked him to set a meeting and bring all the concern person and requested them swear on Quran for which, Ms plaintiff (the plaintiff/applicant No.1) her father and mother refused because they know they are lying and the respondent would like to pray this Honorable Court again as being a Muslim to ask them to keep hand on Quran and Swear that their daughter / plaintiff/applicant No.1 has not taken away the said gold from his house.

16. That I say that the reason, the respondent tried to settle this matter between family as I did not want to bring this matter publicly and into court, as they always tried to defame respondent and his family. Infact she circulated the divorce deed to her whole family, friends, her ex-colleagues, her current colleagues.

17. That I say that **the applicant is selfish woman who can leave 3 daughters alone with father and never tried meet them, can do anything to full fill her luxuries.** It is further submitted that te respondent invested with her brother 14.5 lacs in 2018 which he was supposed to return in 3-6 moths, but they also kept amount

since last 3 years, I was asking for money but he indirectly threaten respondent by saying that he will get other partner killed through his and his father contacts because he was also asking for money and I am having messages history and voice note from him and can be produced. **That I would like to request Honorable Court, that I cannot let MY daughters meet to such family where they do not have moral values/esthetics, my daughters future will be in danger if she keeps a contact with them, they can take a wrong path because of her negative approach as I am trying my level best to give them proper education and a well-mannered life, as they are well settled and happy in current environment. I don't want them to be mentally disturbed because as revenge she can do anything even with her own daughters.**

18. That I say that the respondent is having reasonable income and can manage their daughters very well and family in a better manner and the plaintiff/applicant No.1 is not entitled for any maintenance as she herself refuted from my house and is deserted wife and failed and neglected to perform her matrimonial / conjugal obligation. It is also denied that the respondent has snatched the minors babies from her but she herself left these children at my house as she never bothered for their nourishment, food, caring and betterment and all in all the said children are being properly maintained by respondent and all the minors children are very happily living with the respondent.

19. That I say that from day one the applicant has never care about the children's health , nourishment, and feeding and the children are not detained but they are leading happy and harmonious life with their father and the applicant has never prove to be a good mother for the children as while she left the house the younger baby was of only 15 months and she was a suckling baby and she was extra needs for her mother but she left all the three children at my house and all are being properly looked after by my mother and the said applicant has lost her right of Hizanat due to her bad attitude with the children as she never cared for them.

20. That the paternal mother of the children has been looking after the children and they are fully attached with her and they are also enjoying her companies as compared to their mother who always never cared for them and she remained out of house for days and nights as mentioned above with media persons and NA Mahram, and also used to pass nights with them, used to talk with them in nights and days hours and on the contrary her character is also very much suspicious and in such a bad environment it would be very alarming condition for the children to pick up her bad environment and as such being father never wanted to leave them at the mercy of the applicant to lean them in accordance to her own norms which are very much suspicious and not acceptable in our society / religion.

21. That the respondent along with the children is living in a posh and good society in a spacious house as compared to locality and

house of the applicant as she is living with her parent and moreover the environment of her house is not suitable for the good reputation and upbringing of the minor children especially minor girls as in the said house the character of the inhabitants were never asked about in good norms of society where the applicant remained out of house till late nights without any information to the elders of the house and also they have no objection with that.

- 22.** That the applicant is not entitled for custody of minor as she used to train / motivate the minors during meeting in court to use Whatsapp/ social media/ ticktoker and to make videos / snaps to use the same on social media instead of giving them good advices.
- 23.** That her cousin is living on ground floor of her house who has been nominated in a drug selling case and further all the environment of the house is very dirty and further she is also woman of bad character and used to spend nights outside the house. It is humbly submitted that her brother and son of his uncle are nominated in drug paddlers and both have been nominated in cases under section 12, 6,7, & 8 of NCA and they are on bail in the said cases, whereas one of them has been arrested and was in jail. It is further submitted that the said persons are also living in the same house and all the family members are fully acquainted with the said facts.
- 24.** That she has filed forged and fabricated case for recovery of Gold and have attached forged receipts of gold, which was denied by the jewelers and she during the course of cross examination

she alleged that **she would claim the custody of the minors later on and she had stated in open court that she is not required the custody of ward. It is further submitted that on last visit of the wards at their house, they were harassed and tortured and during their stay there was cross firing in the house and the babies are very much frightened and they are not willing to go there** and they are forcing me to do something to avoid their visits at the said house of the applicant. It is further submitted that the minors are not fully acquainted with the inhabitants and they feel insure in the said strange environment of the said house. That the life of the baby / minors would be in dangers as during their visits there were cross firing in the said area and due to their criminal activities it is great apprehension of any unlawful activities in their house.

25. That I say that in open court given statement that she has no need the custody of the minors and now she has filed this false and fictitious application to pressure and blackmail the respondents for fulfillment of her ulterior motives, otherwise she has no love and affection with the minors and the minors are also not feel comfortable with her company and due to her ill attitude and behaviour with the minors they do not like to live and stay at her house.

26. That it is respectfully submitted that the welfare, well-being, upbringing and future carrier of the minors lies with the respondent, as the applicant is jobless lady and moreover she is irresponsibility

and careless woman who have no love and affection with the baby girls as such are not entitled for interim custody.

PRAYER

In view of facts , grounds and evidences available on the record of this Honorable Court it is sufficiently proves that the welfare of the minors children lies with the respondents and moreover the children are also enjoying the company of their beloved father and they would never prefer to go with the applicant as such this honorable court may graciously be pleased to dismiss the application under reply with special compensatory costs.

I produced herewith all the relevant documents with this arguments which are already on record of court file for kind perusal please.

Prayer is made in the interest of justice.

Karachi

Dated

Advocate for the Respondents

IN THE COURT OF II CIVIL AND FAMILY JUDGE, CENTRAL AT
KARACHI

Family Suit No. 2685/2020

Plaintiff & Others

Plaintiffs

VERSUS

Defendant

Defendant

WRITTEN ARGUMENTS
OF THE DEFENDANT

The defendant above named humbly submits his written argument as under: -

1. That the marriage between plaintiff and defendant took place on 2008, whereas plaintiff left the house of defendant on 2020 and defendant send divorce deed on dated.2020 (after 8 months) lived together around 12 years as a weeded couple.
2. That from the said wedlock three minor babies were born namely;
 - a) daughter 1, DOB 29.12.2011.
 - b) daughter 2, DOB 08.03.2016.
 - c) daughter 3, DOB 15.10.2018.all presently in custody of defendant (Father/Natural Guardian).
3. That after the divorce the plaintiff filed the above said family suit against the defendant on 29.12.2020 for recovery of dower amount, dowry articles and maintenance which was dismissed due to non-prosecution on 27.9.21 and restored on 03.11.2021 whereas the Defendant filed Application U/S 7 of G&W Act for appointment of Guardian before XXIX Family Judge East (G&W 3878-2020) on 24.12.2020. It is further submitted that the plaintiff

filed Application U/S 25 R/W Section 12 of G&W Act before Family Judge East which was later merged with gw

4. That the plaintiff after 2 years of divorce filed Custody of minors case in the year of 2022 and intentionally stated in her cross examination that the G&W application was filed in the same year i.e. 2020, whereas this instant Family suit for recovery filed just after the G&W case filed by the defendant, it is pertinent to mention here that the age of youngest child namely daughter 3 was just 14 months at the time of divorce and the plaintiff could have filed Petition U/S 491 of CrPC for minors but filed the instant recovery suit just to mentally disturb and pressurize the defendant.
5. That the plaintiff left the house of defendant on at the time when COVID19 hit badly all around the world and the plaintiff left the kids with defendant and during that period she never tried to even see them and in the month of October visited house of the defendant and took all her remaining valuables in bags, it is further stated that at Para 4 of the instant suit plaintiff said that she was seriously ill due to which she left the house but never showed any medical/ hospital report or even blood test report in this case or G&W cases.
6. That The defendant submitted his written statement in denial of plaintiff's claim as stated that the defendant had paid the dower amount of the plaintiff at the time of Nikah in the form of 6 bangles of gold on the day of wedding which Nikahnama was admitted by plaintiff in her cross examination. It is further submitted that since

the day the spouses got married, she kept her all-gold belonging at her mother's house, also the gold which was given to her from the defendant and his family and other gold which was made by saving day by day more for their daughters' future worth around Four Million till to date is also in the custody of the plaintiff. It is pertinent to mention that the plaintiff No.1 did not completed '*Iddat*', in fact she was going to media events where she always attracted to even after 3-4 months of divorce she was in ARY Programme where she was sitting on a bike with **Na-Mehram**, how can a mother of 3 children even after getting divorced can do this, just because she always wanted to hang out with media people so she can do modeling / acting which was not acceptable to defendant.

(Copies Attached)

7. That it is submitted that the Examination in chief (Statement) of plaintiff was held on where the plaintiff shows the all original gold receipts which clearly shows that they are fabricated on which the defendant's council reserve the cross examination for next date and send legal notice to Jewelers on and the same was replied by Jeweler in negative on dated stating that I have no concern/didn't own /issued the receipts nor I sell this gold to Plaintiff or his father, later on application u/s 151 cpc filed for calling witness on which was allowed and the Goldsmith Stated in person in court onwhere he denied issuance of gold receipts to Plaintiff or his father, it is pertinent to mention here that the same Goldsmith was arrested from karachi in fir U/S 411/457/380 PPC, PS: and later on cross examined by the defendants council where he denies issuance of

any gold to Plaintiff nor he has any idea about the weightage , record etc. it is pertinent to mention here that this statement of Goldsmith shows that the plaintiff submitted the forged documents and must be penalized or punished to maintain the sanctity of judicial proceedings, it is necessary that witness and parties coming to the Court must be truthful and do not produce managed or tampered evidence, therefore courts are empowered to punish perjury or false evidence for which section 191 and 192 of PPC is clear and 193 for the punishment. Further submitted that the application u/s 151 CPC filed which is still pending for allowing to cross examine Mr. Qamar who was named by Goldsmith and one application of Re Cross examined the plaintiff after the Goldsmiths cross examination.

(Copies Attached)

8. As far as the vehicle is concerned, which is Suzuki Mehran and on the name of plaintiff as she already filed sales return invoice and sell agreement of the said vehicle by herself in the year 2011, it is stated that the malafide of the plaintiff that as per record the invoice is 317,725 and in list plaintiff asking 860000 in the year of 2020 increase of 542,275, and Prayer- E of the suit where asking 600,000 rupees, which was sold by herself along with her brother in rupees 422000 in the year 2011, as per sale agreement submitted by herself it is pertinent to mention here that the defendant from the beginning owns his own personal car and still owns a SUV worth millions and never ever used or even touch the above said car never seen in his house as sold by plaintiff and

utilized the said money on her own for enjoyment as she is found of drama and modeling and spent most of her money upon the said profession. The annexed list of dower articles are also forged and managed one, most of the valuable articles have been taken away by the plaintiff and only few articles are lying in the house of defendant which was offered by the defendant.

(Copies Attached)

9. It is further stated that the report of bailiff dated clearly shows that the plaintiff never wants the original dowry article 13 years old given by her parents instead she was deliberately doing all this exercise to shame defendant as dowry article was lying outside the apartment and she refused to take it as per her claim the gold and vehicle is missing for which she submitted the forged receipts of gold in this court and vehicle she admits which is sold in 2011 and in 2022 she was expecting the same vehicle will be there it is pertinent to mention here this all that happened was in the presence of bailiff and the uncle of plaintiff namely Qamar who signed the bailiff report, the one same person who was named by the Goldsmith in his statement and cross examination that the gold receipts were asked by Mr. Q to prepare and Goldsmith on his direction make the forged receipts.

10. It is pertinent to mention here that in plaintiff in her cross examination in G&W and here denied that her Cousin namely MH S/o MS live in the same house where the plaintiff lives and the same person is nominated in drum smuggling case and her brother

is also drug addicted and also arrested in cases U/S 12, 6,7 & 8 of NCA. Filing address of plaintiff of this suit and the CRO address is same of accused M. Haris.

(Copies Attached)

11. It is further submitted that even before sending the divorce deed the defendant's counsel called her father, just to make them aware, if they wanted to patch up but he was very calm and told him to send the document, and within hour the defendant got a call from their lawyer and he asked him to send the divorce deed by courier. It is further submitted that this was her plan since beginning that she would sell all the gold and will enjoy her life as per her wish as the plaintiff in her cross examination admits that she do not want the custody of minors.

(Copies Attached)

12. That it is humbly submitted that the plaintiff admitted in her cross examination of G&W that she traveled to dubai and left minor minha salman when she was just 7 months old but lied in this suit that she take minor with her, that this is very clear that she does not want the custody of kids, as after 8 months she did not file for the custody in fact she is asking for dowry which they already have and always been this greedy. The defendant also has a phone call recording in which she is clearly saying that she will not keep the kids, and she's not sick and she would tell all the to minors that the defendant is a bad person, and the defendant should be the one

taking care of them. She always forced the defendant to leave her as she wanted to enjoy her life alone and always used to run away from her responsibilities and marital obligation and failed to perform her conjugal rights and even bothered to properly maintain / nourish the children and never proved to be good wife, mother, and caretaker. It is further submitted that the defendant would like to bring this into this Honorable Court notice that in 2016 she went to Dubai alone when 2nd daughter daughter 2 was only 8 months old and was on mother feed, but she left her and elder daughter daughter 1, and told the defendant that she will be living with their Aunts (Khala), but she was living with her friend and 2 other unknown male persons, which the defendant has proof. The defendant forgave her at that time because her family requested the defendant but again, she started talking to random guys late at nights in the house and when the defendant asked she started fighting and so many times left the house for 4-5 hours and switched off her cell phone and was untraceable.

(Copies Attached)

13. That the plaintiff is selfish woman who can leave 3 daughters alone with father and never tried meet them, can do anything to full fill her luxuries. It is further submitted that the defendant invested with her brother 14.5 lacs in 2018 which he was supposed to return in 3-6 months, but they also kept amount since last 5 years, the defendant was asking for money but he indirectly threaten the defendant by saying that he will get other partner killed through his and his father contacts because he was also asking for money and

the defendant is having messages history and voice note from him and can be produced before this Honorable Court whenever ordered by this Honorable Court.

PRAYER

In view of facts , grounds and evidences available on the record of this Honorable Court it is sufficiently proves that the defendant has already paid dower amount to the plaintiff at the time of Nikah in the form of 6 gold bangles, whereas on the other hand the plaintiff has taken away many valuable articles / gold of herself and of the defendant with her amounting to Four Million including gold of minors and she may be directed to return the articles which was owned by the defendant, also vehicle which was never seen or used by the plaintiff and sold by the plaintiff as per her own agreement also as such this honorable court may graciously be pleased to dismiss the suit of the plaintiff under reply with special compensatory costs and initiate proceedings against her as she falls under section 191, 192 of PPC and lodge FIR for submitting fabricated false evidence / Giving false evidence and further she being a deserted wife is not entitled for any maintenance as she failed to perform her conjugal rights / marital obligations as legally wedded wife of the defendant. She also not proved to be a good wife, mother and carrying woman for her children and she is not entitled for any relief and moreover her plaint is liable to be dismissed with special compensatory costs.

I produced herewith all the relevant documents with these arguments which are already on record of court file for kind perusal please.

Prayer is made in the interest of justice.

Karachi

Dated

Advocate for the Defendant