

**SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

**MR. JUSTICE SHAHID BILAL HASSAN**  
**MR. JUSTICE AAMER FAROOQ**

**C.P.L.A. No. 919-L OF 2016**  
**& C.P.L.A. No. 1056-L OF 2016**

[Against judgments dated 11.02.2016 passed in  
W.P.Nos.10602 and 12501 of 2012 by Lahore High  
Court, Lahore]

Muhammad Amin Saqib

(in CPLA No. 919-L of 2016)

***...Petitioner(s)***

Zahida Perveen and others

(in CPLA No.1056-L of 2016)

***Versus***

Judge Family Court, Toba Tek Singh and others

(in CPLA No. 919-L of 2016)

Muhammad Amin Saqib and others

(in CPLA No.1056-L of 2016)

***...Respondent(s)***

For the Petitioner(s)

: Mr. Asif Mumtaz, ASC

(in CPLA No. 919-L of 2016)

Mr. Rana Rashid Akram Khan, ASC

(in CPLA No. 1056-L of 2016)

For the Respondent(s)

: Mr. Rana Rashid Akram Khan, ASC

(in CPLA No. 919-L of 2016)

Date of Hearing

: 04.06.2025

**ORDER**

**SHAHID BILAL HASSAN-J**: These petitions for leave to appeal under Article 185(3) of the Constitution of the Islamic Republic of Pakistan, 1973 have been preferred against the judgment(s) dated 11.02.2016 passed by the Lahore High Court, Lahore, in W.P.s 10602 and 12501 of 2012.

2. The relevant facts giving rise to these petitions are that the Respondent No.4 and Respondent No.5, daughters of the Petitioner (Muhammad Amin Saqib), instituted a suit for recovery of maintenance allowance, through their mother i.e. Respondent No.3 (Zahida Perveen) which was decreed on 18.03.2008 fixing the maintenance allowance at Rs.800/- per month for each daughter with an annual increment of 10%. The application for enhancement filed by them was initially dismissed by the Judge Family Court on 15.12.2011 but Additional District Judge captured with the same enhanced the

maintenance allowance to Rs.1,500/- per month for each daughter with an annual increase of 10%. Aggrieved with this, the Petitioner challenged the order of the Additional District Judge before the Lahore High Court. The High Court acknowledging that the daughters, who were then entering their teenage years, need proper grooming and maintenance allowance for educational expenses, increased the maintenance allowance to Rs.2,500/- per month for each daughter with an annual increment of 10% from the date it was enhanced by the Additional District Judge. However, the daughters being unsatisfied as to fixation of maintenance allowance by the High Court and the father/petitioner (Muhammad Amin Saqib) not content with the enhancement, have filed the captioned petitions before this Court seeking leave to appeal: the former for enhancement of maintenance allowance and latter for setting aside the impugned judgment of High Court to the extent of enhancement.

3. Heard at length.

4. Considering the arguments advanced at bar and going through the record as well as documents furnished during course of arguments by the learned counsel for the parties, it is observed that when the High Court fixed the maintenance allowance of the Respondents No.4 & 5 at Rs.2,500/- per month each, the monthly take home salary (earning) of the Petitioner was Rs.33,026/-; however, as per computer generated salary slip for the month of November, 2024 submitted by the respondents' side and not denied by the petitioner, the take home salary of the Petitioner is Rs.161,148/-, which would have further increased after increment in December, 2024. Therefore, to keep the door open for the parties to further challenge and agitate, if aggrieved of the order of enhancement or otherwise, it seems appropriate that in view of the above development, the matter be remanded to the learned trial Court to consider the request of the respondent(s) for enhancement of the maintenance allowance, treating the same as an application under section 151, Code of Civil Procedure, 1908<sup>1</sup>. Operative part of the referred judgment is reproduced infra:

*'Family Court had exclusive jurisdiction relating to maintenance allowance and the matters connected therewith. Once the decree by the Family Court in a suit for maintenance (for minors) was granted, thereafter, if the granted rate for monthly allowance was insufficient and inadequate, in that case, institution of fresh suit was not necessary rather the Family Court may entertain any*

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<sup>1</sup> Lt. Col. Nasir Malik v. Additional District Judge Lahore (2016 SCMR 1821)

*such application (under section 151, C.P.C.) and if necessary make alteration in the rate of maintenance allowance.'*

5. Pursuant to the above, the instant CPLAs are disposed of in the term(s) that the matter in hand is remitted to the learned trial Court, which shall consider the application of the respondent(s) No.4 & 5 for enhancement of the maintenance allowance, obviously, after obtaining reply from the petitioner and dilating upon the evidence, so produced by the parties and decide the matter treating the same as an application under section 151, CPC, as observed above within a period of not more than one month, even if it has to fix the case on day to day basis, under intimation to the Deputy Registrar, Lahore Registry Branch of this Court.

6. Before parting with this Order, it must be noted that despite such a low maintenance allowance fixed (and later on enhanced) by the three foras below, the Petitioner, as raised by the Respondents and not controverted by the Petitioner, has defaulted and failed to fulfil his legal obligations in that the Petitioner has not paid the maintenance allowance in full. In light of this, the Parties shall submit the concise statement(s) as to payment and non-payment of maintenance allowance fixed by the Court's below before the learned executing Court and the Petitioner, after determination of variance, if any, shall be bound to clear the arrears of maintenance allowance so determined within a period of three months in equal instalments.

**JUDGE**

**JUDGE**

Announced in open court on 10.07.2025.

**JUDGE**

Lahore, the  
10<sup>th</sup> July, 2025  
'NOT APPROVED FOR REPORTING'  
M.A. Hassan