SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:
Mr. Justice Irfan Saadat Khan
Mr. Justice Aqeel Ahmed Abbasi

C.P.L.A. No.316-K of 2026
(Against the order dated 04.05.2026 passed by the High Court of Sindh at Karachi in C.P. No.S-378 of 2024)

Mst. Shaheen Nawaz ...Petitioner(s)

Versus

Raheel Khan and another ...Respondent(s)

For the Petitioner(s) : In person.

For the Respondent(s) : N.R.

Date of Hearing : 30.07.2026

O R D E R

Irfan Saadat Khan, J:-. This Civil Petition for Leave to Appeal is directed against the consolidated judgment dated 26.11.2025 and the subsequent order dated 04.05.2026 passed by the learned Single Bench of the High Court of Sindh at Karachi in Constitutional Petition No. S-378 of 2025, whereby the constitutional petition preferred by the present petitioner was dismissed and the order of the learned Appellate Court maintaining maintenance at Rs. 30,000/- per month was affirmed.

2. Briefly stated, the facts of the case are that the petitioner instituted a suit for maintenance in respect of minor child, namely Muhammad Rayyan Khan, before the learned XXIII-Family Judge, Karachi East (Family Suit No. 3753 of 2021), wherein monthly maintenance was initially claimed at the rate of Rs. 40,000/- per month. The learned Trial Court, vide order dated 02.12.2024, partly decreed the suit fixing monthly maintenance at Rs. 15,000/- per month with an annual increment of 10%.

3. Aggrieved thereby, an appeal was preferred before the learned District Judge, Karachi East (Family Appeal No. 446 of 2024). The learned Appellate Court, vide order dated 03.04.2025, modified the decree and enhanced the minor's maintenance to Rs. 30,000/- per month with a 15% annual increase. Dissatisfied with the quantum, the petitioner invoked the constitutional jurisdiction of the High Court of Sindh through C.P. No. S-378 of 2025. The learned High Court, after evaluating the evidence on record, upheld the judgment of the Appellate Court and dismissed the petition. Hence, the instant petition for leave to appeal.

4. The petitioner appeared in person and submitted that her sole grievance pertains to the quantum of maintenance fixed for the minor child. She contended that Respondent No. 1 is employed as a Manager in a textile company in Bangladesh and is drawing a substantial salary. She argued that the maintenance amount of Rs. 30,000/- per month with a 15% annual increase, is not in accordance with law and prayed for enhancement of the amount to Rs. 40,000/- per month, with a corresponding annual increment.

5. We have heard the petitioner-in-person at length and have perused the available record with her assistance.

6. The core controversy lies within a narrow compass: whether the concurrent findings of the Appellate Court and the High Court regarding the determination of quantum of maintenance suffer from any legal infirmity or misreading of evidence so as to justify interference by this Court under Article 185(3) of the Constitution of the Islamic Republic of Pakistan, 1973.

7. It is evident from a plain reading of the record that both the learned First Appellate Court and the High Court have fixed the minor's maintenance at Rs. 30,000/- per month with a 15% annual increment after an extensive assessment of the financial status, earning capacity, and overall resources of Respondent No. 1, as well as his financial obligations toward maintaining two other children from his first wife, whom he has divorced. The petitioner was his second wife, who, as per the Trial Court's order, was already granted Khula vide the preliminary decree dated 20-01-2022. These determinations are purely findings of fact arrived at by the courts upon proper evaluation of the material available before them.

8. The law on the scope of appellate interference with the quantum of maintenance fixed by lower courts is now well-settled. The superior courts usually do not reassess or substitute the quantum of maintenance fixed by lower fora where the same has been determined on a realistic evaluation of the father's earning capacity, socio-economic parameters, and the genuine needs of the minor. Interference is warranted only where the fixed amount is shown to be manifestly arbitrary, excessive, or grossly inadequate.

9. Recently, in *Muhammad Imran Baqir,*[1] this Court reiterated that the determination of appropriate maintenance involves assessing the child's reasonable requirements alongside the father's earning capacity and social status. It was further observed that a father bears a solemn obligation to maintain his offspring and where the courts below have fixed maintenance upon evaluating the father's earning potential and financial liabilities, such concurrent findings of fact are not to be lightly disrupted.

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[1] *Muhammad Imran Baqir v. Mst. Zarnain Arzoo* (PLD 2026 Supreme Court 170).

10. In the present case, no such perversity, arbitrary exercise of discretion, or jurisdictional defect has been pointed out. The learned High Court has properly assessed the evidence on record and exercised its constitutional discretion judiciously. The findings of the courts below are neither perverse nor based on no evidence.

11. For the reasons discussed above, we do not find any illegality, irregularity, or jurisdictional defect in the impugned orders warranting interference under Article 185(3) of the Constitution. The petition is found to be devoid of merit, leave is accordingly refused, and petition is dismissed. The judgment of the High Court is maintained.

Karachi
27th July, 2026
Tahseen / Zainab Qazi, LC

"[redacted]pproved for Reporting"