

[Appellate Jurisdiction]

Raja Saeed Akram Khan, ACJ.

- Mohammad Mumtaz

.... PETITIONER

Riffat Kousar & others

..... RESPONDENTS

2. Civil PLA No.160 of 2020
(Filed on 09.07.2020)

Mohammad Mumtaz

.... PETITIONER

Riffat Kousar & others

..... RESPONDENTS

FOR THE PETITIONER: Mr. Arshad Majeed
Mallick, Advocate.

FOR THE RESPONDENTS: Mr. M. Khalil Ghazi,
Advocate.

3. Civil PLA No.160 of 2020
(Filed on 09.07.2020)

Mohammad Mumtaz

.... PETITIONER

VERSUS

Riffat Kousar & others

..... RESPONDENTS

(On appeal from the order of the High Court dated 17.02.2020
in Family Appeals No.278, 279 & 280 of 2017)

FOR THE PETITIONER: Mr. Arshad Majeed
Mallick, Advocate.

FOR THE RESPONDENTS: Mr. M. Khalil Ghazi,
Advocate.

Date of hearing: 26.11.2020.

ORDER:

RAJA SAEED AKRAM KHAN, ACJ—

The titled Petitions for Leave to Appeal have been directed against the consolidated judgment of the High Court dated 17.02.2020, passed in family appeals No.278, 279 and 280 of 2017, whereby the family appeals filed by the petitioner, herein, have been

dismissed. The petitions for leave to appeal arise out of against the consolidated judgment of the High Court, therefore, these are disposed of through consolidated order.

2. The facts necessary for disposal of the petitions for leave to appeal are that respondent/plaintiff Mst. Riffat Kousar filed two separate suits, one for recovery of maintenance allowance and second for dissolution of marriage before the Additional District Judge Dadyal, empowered as Judge Family Court Dudyal. The respondent/plaintiff averred in the suit of recovery of maintenance allowance that the marriage between the spouses was solemnized on 16.01.2010 and out of wedlock, respondent No.2 was born on 04.11.2010 and after the 8 days of the birth of respondents No.2, petitioner/defendant left her in her parents' house and promised her that he will pay maintenance allowance to them, however, they never to came meet her nor paid maintenance to them. He further averred that her husband is a contractor and earning around 40/45 thousands per month. On filing of suit appellant/defendant was summoned, who submitted

written statement on 10.03.2016, wherein he denied all the stance taken by respondent/defendant. In the second suit filed for dissolution of marriage of respondent/plaintiff claimed that the behavior of the appellant/defendant remained very harsh during their matrimonial life, therefore, he requested for decree for dissolution of marriage on the basis of cruelty, maltreatment and alternative on the basis of Khulla.

One suit was filed by the petition, herein, for conjugal rights, wherein he averred that he and respondent are living happy live and out of their wedlock a male child has also born, however, on the instigation of mother of respondent, she left the house of the petitioner, herein, and never came back. He further averred that he tried his level best to take respondent back, but due to her mother make hurdle for doing so. He prayed for restitution of conjugal right may be passed in his favor.

3. On 26th October, 2020, the petition has deposited Rs 20,000/0 out of the decretal amount towards the maintenance of the minor. The learned counsel for the respondent, submitted that if the

petitioner shall deposit Rs.20,000/- more out of the decretal amount than he has no objection for granting the leave.

5. Leave to appeal is, therefore, granted subject to payment of Rs.20,000/- by the petitioner herein. The learned counsel for the petitioner is directed to deposit the amount of security Rs.1000/- each within one month, failing which leave granted order shall automatically stands rescinded. The office is directed to proceed further according to law and place the file before me for constitution of bench after its completion.

ACTING CHIEF JUSTICE

Mirpur.
26.11.2020.