Maintenance of Wife and Children under Pakistani Law

Entitlement, Duration, Quantum, Interim Maintenance, Enhancement and Execution (1972–2026)

Adv. Syed Zeshan Hashmi, Advocate High Court, The Arbitrator & Law Associates, Peshawar

Abstract

This paper examines 75 reported judgments on maintenance — 38 of the Supreme Court of Pakistan and 37 of the Peshawar High Court, decided between 1972 and 2026 — collected on the Pakistan Law Site. It covers the wife's right to maintenance during the marriage and iddat, the father's duty to his sons and daughters and how long it lasts, what maintenance includes, how the amount is fixed against the father's means, the liability of the paternal grandfather, paternity, past maintenance and limitation, interim maintenance under section 17-A, the annual increase and enhancement, and execution. The main finding is that the wife's right runs from the nikah and is lost only on clear proof that she wholly and unjustifiably withdrew, and that the father's duty to his children is independent of custody and cannot be waived by the mother. Recent Supreme Court decisions (2024–2026) add that past maintenance runs six years from refusal, that enhancement is by application in the same Family Court, that an annual increase is simple unless the decree says otherwise, and that a grandfather can be made to pay only in his own suit.

Keywords: maintenance; nafaqa; maintenance of wife; maintenance of minors; section 9 MFLO; Family Courts Act 1964; section 17-A; interim maintenance; past maintenance; Article 120 Limitation Act; annual increase; paternal grandfather; execution; Peshawar High Court; Supreme Court of Pakistan.

1. Introduction

Maintenance (nafaqa) is the most frequent claim in the Family Courts. It is usually joined with dower, dowry and custody, and it often decides how the rest of the dispute goes: a wife who is not being maintained cannot hold out for long, and a father who has stopped paying for his children soon finds his defence struck off. This paper deals with two claims — the wife's maintenance during the marriage and iddat, and the maintenance of children — and with the procedure for fixing, enhancing and recovering it.

The practical questions are these. When can a husband refuse to maintain his wife, and who must prove what? How long does a father's duty to his sons and daughters last, and what does it cover? How is the amount fixed, and what happens when the father hides his income or pleads a second family? Who pays when the father is dead or poor? How far back can past maintenance go, and how are interim orders, annual increases and decrees enforced? The answers are drawn from the reported judgments of the Supreme Court of Pakistan and the Peshawar High Court.

2. Sources and Method

All research was done on the Pakistan Law Site only. Keyword searches (maintenance allowance, maintenance of minor, maintenance of wife, interim maintenance, section 17-A Family Courts Act, past maintenance, arrears of maintenance, enhancement of maintenance, annual increase, maintenance of daughter, paternal grandfather, nafaqa, section 9 Muslim Family Laws Ordinance, nushuz, education expenses, medical expenses, execution of maintenance decree and others) were run over all years. Results were filtered to the Supreme Court and the Peshawar High Court and screened for an actual holding on maintenance. For all 75 judgments kept, the reported text was opened on the site (in two cases during our earlier research on dower and divorce) to take the bench, case number and date and to check the headnote against the operative part; where they differed, the operative part was followed. Judgments that only mentioned maintenance in passing, or that turned on dower, dissolution or procedure unconnected with maintenance, were left out.

3. The Law in Phases

3.1 The framework

The duty to maintain comes from Muslim personal law; the statutes supply the forum and the procedure. Section 9 of the Muslim Family Laws Ordinance, 1961 (MFLO) lets a wife apply to the Chairman of the Union Council, who constitutes an Arbitration Council to fix the amount and issue a certificate. Since 1964 the usual route has been a suit in the Family Court, which has exclusive jurisdiction over maintenance under section 5 and Schedule I of the Family Courts Act, 1964. Section 17-A requires the court to fix interim maintenance at the first hearing, and section 14 restricts appeals. The Arbitration Council route still survives, but it is strict about notice: a certificate issued without the notice required by Rule 7 was held void (2009 SCMR 1037), and in divorce proceedings the Council can fix maintenance during the notice period (1987 SCMR 670).

3.2 The wife's entitlement

The modern statement of the rule is 2026 SCMR 1: the wife's right begins with the nikah and is not conditional on anything written in the nikahnama; the husband is excused only if she has wholly and without justification withdrawn from the marriage, and he must prove that clearly. PLD 2022 SC 686 said the same — the right is absolute so long as she is faithful and willing to perform her obligations. Older decisions had already held that a wife forced out of the house without fault is entitled to past maintenance (2007 SCMR 49) and that past maintenance can be decreed under Hanafi law (1980 SCMR 385).

The Peshawar High Court has applied these principles consistently. A wife who lives apart because of cruelty is entitled; maintenance is a legal obligation, not a gift (2004 YLR 130; 2016 CLC 1668; 2018 YLR 128). A husband who deserted his family for years cannot defeat the claim by sending a jirga just before the suit (PLD 2005 Peshawar 194). A second marriage does not end the first wife's claim, whether she left or was forced out (2020 CLC 803), and section 9 MFLO entitles a wife living separately with lawful cause (2023 CLC 1959). Non-payment of prompt dower is a lawful excuse to refuse cohabitation, and the wife keeps her maintenance while she stays away (2012 CLC 1272; 2014 YLR 1563; 2020 YLR 1850; 1996 CLC 1723).

The limit is genuine desertion by the wife. Where she left on her own attitude, with no ouster or cruelty proved, maintenance was refused (2013 MLD 537). And the dower excuse does not work automatically: where the quantum of dower was genuinely disputed and her pleaded grounds failed, maintenance was refused on the facts (2021 MLD 1694). Where the evidence did not show that she left of her own accord, the husband's plea failed (2013 YLR 650). After divorce the wife's maintenance ends with her iddat (1989 SCMR 1416; 2016 SCMR 2069; PLD 2005 Peshawar 194).

3.3 The children: how long the duty lasts

A father must maintain his children whether they live with him or with their mother. Custody and maintenance are separate: he remains liable so long as the children are not handed over to him (1972 SCMR 131), and the mother's poverty or custody is no reason to relieve him (1978 SCMR 299; 2014 MLD 351). The right belongs to the child, so the mother cannot waive it (2014 MLD 351), and her earlier agreement on a low figure does not bind the child (2026 YLR 2143).

Sons are maintained until puberty, daughters until marriage (2014 YLR 1563; 2004 SCMR 1598). The exceptions are important. A son who is disabled and unable to earn remains the father's responsibility (PLD 2013 SC 557). An unmarried adult daughter must be maintained where there is a genuine reason why she is not married (1990 SCMR 136), and the burden is on the father to show that a major daughter is financially independent (2026 CLC 1439). A divorced daughter living with her mother is also his responsibility (2014 MLD 351).

3.4 What maintenance covers

Maintenance is wider than food, clothing and lodging (PLD 2013 SC 557). The Supreme Court has expressly included a child's medical treatment (PLD 2025 SC 367) and a daughter's education (PLD 2024 SC 581, relying also on the UN Convention on the Rights of the Child). The approach is child-centred: the child's needs and welfare, not the parents' quarrel, decide the amount (PLD 2025 SC 247), and a custody order should settle the father's maintenance obligations as part of a full parenting plan (2018 SCMR 1991). One limit was drawn in PLD 2026 SC 122: a claim for the expenses of a daughter's future marriage is not maintenance and cannot be decreed on speculation; a suit lies only when the expense is immediate, certain and denied.

3.5 Quantum and the father's means

The amount follows the father's status and financial condition (PLD 2009 SC 760; 2001 CLC 1983; 2022 MLD 945). The father must disclose his earnings, and if he does not, the court may draw an adverse inference (PLD 2018 SC 819). Bare pleas of low income or a second family are not enough without documents (PLD 2026 SC 170). A salary certificate is not the end of the inquiry where he has other income (1987 SCMR 670), but where a pay slip is produced the amount must be in proportion to it (2003 SCMR 1836). His obligations to a second family are relevant (2011 SCMR 1325), and a low-paid father supporting his mother and sisters may have the amount moderated, but not the duty removed (PLD 2012 Peshawar 97). A landowner's means justified Rs.5,000 per child in 2001 (2001 CLC 1983).

The High Court in writ will not reappraise these findings unless misreading or non-reading of evidence is shown (2004 MLD 1325), and the Supreme Court has warned that the High Court should not substitute its own figure for that of the family courts; the proper course is to remand (2025 SCMR 739).

3.6 When the father is dead or unable: the grandfather

Where the father is dead, the paternal grandfather is liable if the conditions of Islamic law are met (2023 YLR 2003). Where the parents cannot maintain the child and the grandfather is well off, he must do so in his lifetime (2024 CLC 1772). But a grandfather cannot be made to pay under a decree passed only against the father: he is not a judgment-debtor, and the child must sue him separately so that he is heard (PLD 2024 SC 67). Where the grandfather is a party and gives an undertaking, the decree is executed against him as well (2005 SCMR 1293).

3.7 Paternity and legitimacy

Once paternity is established, the duty to maintain follows automatically (2026 SCMR 1401). A father's denial of paternity does not prevent the court from fixing interim maintenance while the denial is tried (2018 MLD 407), and where the child was held legitimate the father was bound to maintain it (PLD 2010 Peshawar 10). A finding about legitimacy in maintenance proceedings is not binding in a later inheritance suit, where legitimacy is proved under Article 128 of the Qanun-e-Shahadat (PLD 1995 Peshawar 124).

3.8 Past maintenance and limitation

A wife's claim for past maintenance is governed by Article 120 of the Limitation Act: six years from the husband's refusal (PLD 2026 SC 308). The High Court had reached the same result earlier, decreeing six years' past maintenance to a wife turned out of the house (2018 YLR 128). For children, maintenance may be granted from the date prayed in the plaint, including the period before the suit, because the father was bound to maintain them all along (2003 SCMR 764).

3.9 Interim maintenance

Section 17-A has become the most effective tool in the Act. Interim maintenance is fixed on the father's status and the child's basic needs (2022 MLD 945), and a wife whom the husband has not taken home is entitled to it with the minor (2021 CLC 374). If it is not paid, the defence may be struck off and the suit decreed (2011 SCMR 374; 2024 SCMR 1292, where costs were also imposed). The order is not appealable (2016 YLR 2801), and a writ lies only where it is arbitrary or without jurisdiction (2024 YLR 2841).

3.10 Annual increase and enhancement

A 10% annual increase is now standard and was upheld in 2016 SCMR 2069 and 2011 SCMR 1325, but it must have a factual basis on the record (2012 SCMR 671). Unless the decree says otherwise, the increase is simple, not compound (2026 SCMR 1582). Where the decreed amount becomes inadequate, a fresh suit is not necessary: the Family Court that passed the decree may alter the rate on an application (PLD 2025 SC 850). The Peshawar High Court had already allowed a fresh application to re-fix an old amount (1999 CLC 1668) and enhanced a figure fixed only a few years earlier (2026 YLR 2143). Equally, a father may seek variation if circumstances change (2001 CLC 1983).

3.11 Execution

Arrears may be recovered by attaching the father's salary (1988 SCMR 1332). An execution petition is not time-barred merely because it was filed more than three years after the decree: each default is a fresh denial, and the Limitation Act does not apply strictly in family matters (2018 YLR 1501). Where the first application was not pressed, later applications are governed by section 48 CPC and its six-year period (2016 CLC 256). A husband duly served at his own address cannot set aside an ex parte decree without a reason for his absence (2018 YLR 436), and a father whose set-aside application is pending cannot use a writ petition to stop execution (2017 SCMR 1843). Where a restitution decree was conditional on past maintenance, the wife's property could not be attached because her refusal to return, based on threats to her life, was not wilful (2020 YLR 2224).

3.12 Procedure and forum

The Family Courts Act has its own procedure. A minor who is not arrayed as a plaintiff should be impleaded, not non-suited (2023 SCMR 413). A defect in a wakalatnama filed for a husband abroad is curable and does not justify striking off his defence (2019 MLD 401), but a defendant who never filed a written statement cannot seek review, because the Act provides none (2014 CLC 715), and a father cannot call new witnesses two years into the trial without a plausible reason (2018 YLR 761). The appeal threshold is read per month for the decree as a whole, not per child (1999 MLD 2723). Proceedings may be transferred from one Province to another for the wife's convenience under section 25-A(2-B) (PLD 2021 SC 579).

4. Where the Authorities Conflict or Leave a Gap

4.1 Who must prove what in a wife's claim. The older Peshawar decisions often put the burden on the wife to show that she was turned out or had a lawful excuse (2013 MLD 537; 2021 MLD 1694). 2026 SCMR 1 now states the rule the other way round: the right is unconditional from the nikah, and it is the husband who must prove, clearly, that she wholly and unjustifiably withdrew. Decisions refusing maintenance because the wife did not prove ouster should be read subject to that ruling.

4.2 Limitation for past maintenance. PLD 2026 SC 308 settles the wife's claim under Article 120 (six years from refusal). It does not expressly deal with children, whose past maintenance has been allowed from the date prayed in the plaint (2003 SCMR 764). Whether a child's claim for a period long before the suit is limited in the same way has not been squarely decided in the judgments found.

4.3 Limitation for execution. 2018 YLR 1501 treats each default as a fresh denial and says the Limitation Act does not strictly apply; 2016 CLC 256 applies Article 181 to the first application and section 48 CPC to later ones. The two can be reconciled — a running decree for monthly maintenance falls due month by month — but the point would benefit from a Supreme Court ruling.

4.4 The grandfather's liability. The Peshawar High Court holds a well-off grandfather liable where the father is dead or unable (2023 YLR 2003; 2024 CLC 1772). The Supreme Court in PLD 2024 SC 67 accepts that he may be liable but insists on a separate suit in which he is a party. It remains open how far the grandfather's liability depends on the father's actual inability, as opposed to his refusal to pay.

4.5 Enhancement by application or by suit. PLD 2025 SC 850 allows an application in the same Family Court. Earlier practice, including in Peshawar (1999 CLC 1668), sometimes treated the matter as a fresh proceeding. After PLD 2025 SC 850, an application is the proper route, but the cases do not yet say whether limitation or court-fee consequences differ.

4.6 Marriage expenses of daughters. PLD 2026 SC 122 bars a speculative claim for a future wedding but leaves room for a suit when the expense is immediate and certain. What counts as "immediate", for example a fixed wedding date or an engagement, is still to be worked out.

5. Practical Guide

5.1 For the wife and children (or their counsel)

- **Join the minors as plaintiffs** and plead each child's age, schooling and medical needs; if they are left out, ask the court to implead them (2023 SCMR 413; PLD 2024 SC 581; PLD 2025 SC 367).
- **Plead the date and manner of refusal** — when she was turned out or when he stopped paying. It fixes the start of the six-year period for past maintenance (PLD 2026 SC 308) and answers any plea of desertion (2026 SCMR 1).
- **Bring evidence of the father's means**: salary, land, business, vehicles, foreign employment. If he hides them, ask for an adverse inference (PLD 2018 SC 819; 1987 SCMR 670).
- **Press for interim maintenance at the first hearing** and, on default, ask for the defence to be struck off (section 17-A; 2024 SCMR 1292; 2011 SCMR 374).
- **Ask for a 10% annual increase** with a factual basis in the evidence (2016 SCMR 2069; 2012 SCMR 671), and say whether it is to be compound; otherwise it will be simple (2026 SCMR 1582).
- **If the amount becomes inadequate, apply** to the same Family Court for enhancement rather than filing a fresh suit (PLD 2025 SC 850).
- **Where the father is dead or cannot pay, sue the grandfather** as a party; do not try to execute the father's decree against him (PLD 2024 SC 67; 2024 CLC 1772).
- **In execution, ask for attachment of salary** and other property (1988 SCMR 1332).

5.2 For the husband or father (or his counsel)

- **Appear and file a written statement.** Ex parte decrees are hard to set aside if he was served (2018 YLR 436), and there is no review (2014 CLC 715).
- **Pay interim maintenance on time**, even while contesting; default costs him his defence (2024 SCMR 1292).
- **Prove his means with documents.** Pay slips, tax returns and proof of other dependants carry weight; bare assertions do not (PLD 2026 SC 170; 2003 SCMR 1836; 2011 SCMR 1325).
- **If he alleges desertion by the wife, prove it clearly** — that she left wholly and without justification (2026 SCMR 1; 2013 MLD 537).
- **Pay prompt dower.** While it is unpaid she may live apart and still claim maintenance (2012 CLC 1272).
- **Seek variation, not non-payment**, if his circumstances change (2001 CLC 1983).
- **A daughter's maintenance continues until marriage**, and a major daughter's until he proves she is independent (2004 SCMR 1598; 2026 CLC 1439).

5.3 For the courts and executing officers

- **Fix interim maintenance at the first hearing** and record the basis.
- **State in the decree whether any annual increase is simple or compound**, to avoid later execution disputes (2026 SCMR 1582).
- **Keep custody and maintenance separate**: who has custody does not decide who pays (1972 SCMR 131).

6. Conclusion

The case law on maintenance is settled on the main points and protective of the wife and children. The wife's right runs from the nikah and is lost only by her clear and unjustified withdrawal, which the husband must prove. The father maintains his sons until puberty, his daughters until marriage, and a disabled son or a dependent adult daughter beyond that, whatever the custody arrangement; the mother cannot bargain the right away. Maintenance includes education and medical care, and the amount follows the father's real means, which he must disclose.

The recent Supreme Court decisions (2024–2026) have tightened the procedure. Past maintenance runs for six years from refusal, interim orders are enforced by striking off the defence, enhancement is by application in the same court, and the annual increase is simple unless the decree says otherwise. The grandfather can be made to pay, but only in his own suit. For practitioners on either side, most cases are now won or lost on evidence of the father's income and on the date and cause of the separation.

Annexure A — The Judgments in Question and Answer Form

All 75 judgments relied on, Supreme Court first and then the Peshawar High Court, newest first within each court. Each entry gives the citation, parties, bench, case number and date of decision as reported on the Pakistan Law Site, followed by the question decided and the answer. Every entry was checked against the full reported text.

Supreme Court

1. PLD 2026 SC 308 — Muhammad Aslam Chattha v. Shehnaz Akhtar

Before: Shahid Waheed, Musarrat Hilali and Naeem Akhter Afghan, JJ; On appeal from Writ Petition No. 431 of 2019, decided 18 November 2025

Q. What limitation applies to a wife's claim for past maintenance?

A. Article 120 of the Limitation Act: six years, counted from the husband's refusal to maintain her.

2. 2026 SCMR 1 — Ambreen Akram v. Asad Ullah Khan

Before: Syed Mansoor Ali Shah and Aqeel Ahmed Abbasi, JJ; Civil Petition No. 1107-L of 2015, decided 11 September 2025

Q. When can a husband refuse to maintain his wife?

A. Her right runs from the nikah and is not conditional; he is excused only if she has wholly and without justification withdrawn from the marriage, and he must prove that clearly.

3. PLD 2026 SC 170 — Muhammad Imran Baqir v. Mst. Zarnain Arzoo

Before: Yahya Afridi, CJ and Shakeel Ahmad, J; Civil Petition No. 5009 of 2024, decided 10 July 2025

Q. Can a father reduce his child's maintenance by pleading low income or a second family?

A. Not on bare assertion; such pleas must be supported by documents showing his real means.

4. 2026 SCMR 1582 — Muhammad Waqar Wasi v. Mst. Amber Abid

Before: Shahid Waheed, Musarrat Hilali and Naeem Akhter Afghan, JJ; C.P.L.A. No. 3204 of 2022, decided 14 April 2026

Q. Is an annual increase in a maintenance decree simple or compound?

A. Simple, unless the decree expressly says compound; the executing court applies CPC principles as guidance where the Family Courts Act is silent.

5. PLD 2026 SC 122 — Naseem Mai v. Malik Muhammad Shah Aalam

Before: Shahid Bilal Hassan and Aamer Farooq, JJ; C.P.L.A. No. 2872-L of 2022, decided 7 July 2025

Q. Can a daughter sue now for the expenses of a future marriage?

A. No. Schedule I covers maintenance but not speculative future marriage expenses; a suit lies when the expense is immediate, certain and denied. Petition dismissed.

6. 2026 SCMR 1401 — Muhammad Shahzad v. Mst. Ayesha Noor

Before: Yahya Afridi, CJ, Shahid Bilal Hassan and Shakeel Ahmad, JJ; C.P.L.A. No. 5626 of 2024, decided 18 February 2026

Q. Once paternity is established, what follows?

A. The father's duty to maintain follows automatically; the right belongs to the child.

7. PLD 2025 SC 850 — Muhammad Amin Saqib v. Judge Family Court, Toba Tek Singh

Before: Shahid Bilal Hassan and Aamer Farooq, JJ; C.P.L.A. No. 919-L of 2016, decided 10 July 2025

Q. Is a fresh suit needed to enhance a minor's maintenance fixed by decree?

A. No. The Family Court that passed the decree may alter the rate on an application; a fresh suit is not necessary.

8. PLD 2025 SC 367 — Muhammad Irfan v. Additional District Judge, Ferozwala

Before: Yahya Afridi, CJ, Muhammad Shafi Siddiqui and Miangul Hassan Aurangzeb, JJ; Civil Petition No. 3179-L of 2023, decided 18 February 2025

Q. Are a child's medical expenses part of maintenance?

A. Yes. Medical treatment falls within maintenance and the father must bear it.

9. 2025 SCMR 739 — Murad Khan v. Mst. Humaira Qayyum

Before: Yahya Afridi, CJ, Muhammad Shafi Siddiqui and Miangul Hassan Aurangzeb, JJ; C.P.L.A. No. 923-P of 2023, decided 17 February 2025

Q. May the High Court in writ substitute its own figure for the family courts' assessment of maintenance?

A. No. On judicial review the High Court should not substitute its own findings; the matter was remanded to the appellate court for decision within three months.

10. PLD 2025 SC 247 — Malik Mahmood Ahmad Khan v. Malik Moazam Mahmood

Before: Syed Mansoor Ali Shah and Ayesha A. Malik, JJ; C.P.L.A. No. 2250-L of 2016, decided 19 December 2024

Q. How should courts approach the fixing of a minor's maintenance?

A. Through a child-centred approach: the child's needs and welfare, not the parents' dispute, decide the amount.

11. 2024 SCMR 1292 — Shahzad Amir Farid v. Mst. Sobia

Before: Yahya Afridi, Amin-ud-Din Khan and Ayesha A. Malik, JJ; Civil Petition No. 3155-L of 2023, decided 30 April 2024

Q. What follows if interim maintenance under section 17-A is not paid?

A. The defence may be struck off and the suit decreed; costs were imposed on the defaulting father.

12. PLD 2024 SC 581 — Qudrat Ullah v. Additional District Judge, Renala Khurd

Before: Sardar Tariq Masood, Amin-ud-Din Khan and Syed Hasan Azhar Rizvi, JJ; Civil Petition No. 8-L of 2023, decided 25 January 2024

Q. Are a daughter's educational expenses part of maintenance?

A. Yes. Education is part of maintenance; the Court relied also on the UN Convention on the Rights of the Child.

13. PLD 2024 SC 67 — Bashir Ahmad v. Additional District Judge, Hafizabad

Before: Syed Mansoor Ali Shah, Syed Hasan Azhar Rizvi and Irfan Saadat Khan, JJ; C.P. No. 5918 of 2021, decided 3 November 2023

Q. Can a decree against the father be executed against the paternal grandfather?

A. No. The grandfather is not a judgment-debtor; the child must sue him separately and he must be heard (Articles 4 and 10A).

14. 2023 SCMR 413 — Arif Fareed v. Bibi Sara

Before: Sardar Tariq Masood, Amin-ud-Din Khan and Syed Hasan Azhar Rizvi, JJ; C.P. No. 5601 of 2021, decided 6 December 2022

Q. What if the minor is not arrayed as a plaintiff in the maintenance suit?

A. The court should implead the minor rather than non-suit the claim.

15. PLD 2022 SC 686 — Haseen Ullah v. Mst. Naheed Begum

Before: Umar Ata Bandial, Sajjad Ali Shah and Syed Mansoor Ali Shah, JJ; Civil Petition No. 1289 of 2020, decided 23 November 2021

Q. Does a wife's right to maintenance depend on a term in the nikahnama?

A. No. It is absolute so long as she is faithful and willing to perform her marital obligations.

16. PLD 2021 SC 579 — Mst. Kulsoom Rasheed v. Noman Aslam

Before: Mushir Alam and Syed Mansoor Ali Shah, JJ; C.M.A. No. 284 of 2021, decided 23 February 2021

Q. Can family proceedings be transferred from one Province to another for the wife's convenience?

A. Yes. Under section 25-A(2-B) the Supreme Court may transfer them, on motion or on its own, keeping the wife's convenience in view.

17. 2018 SCMR 1991 — Mst. Madiha Younus v. Imran Ahmed

Before: Mushir Alam, Faisal Arab and Sajjad Ali Shah, JJ; Civil Petition No. 39-K of 2018, decided 3 September 2018

Q. What should a custody order contain about maintenance?

A. A comprehensive parenting plan, including the father's maintenance obligations, should be settled.

18. PLD 2018 SC 819 — Muhammad Asim v. Mst. Samro Begum

Before: Qazi Faez Isa and Yahya Afridi, JJ; Civil Petition No. 3095 of 2017, decided 15 August 2018

Q. What if the father does not disclose his earnings?

A. He must disclose them; on failure the court may draw an adverse inference and fix maintenance accordingly.

19. 2017 SCMR 1843 — Famia Ijaz v. Ijaz Hameed

Before: Sh. Azmat Saeed and Sardar Tariq Masood, JJ; Civil Appeal No. 141-L of 2017, decided 9 August 2017

Q. Can a father, while his application to set aside an ex parte maintenance decree is pending, seek a writ to stop execution?

A. No. The writ petition was incompetent while the set-aside application remained undecided.

20. 2016 SCMR 2069 — Shahzad Yousaf v. Farzana Shahzad

Before: Mian Saqib Nisar and Iqbal Hameedur Rahman, JJ; Civil Petitions Nos. 30-L and 219-L of 2015, decided 10 March 2016

Q. Is a 10% annual increase in maintenance proper?

A. Yes; it was upheld. The divorced wife's maintenance runs only until the end of iddat.

21. PLD 2013 SC 557 — Humayun Hassan v. Arslan Humayun

Before: Mian Saqib Nisar, Asif Saeed Khan Khosa and Ijaz Ahmed Chaudhry, JJ; Civil Appeal No. 5-L of 2013, decided 20 February 2013

Q. Does a father's duty end when a son attains puberty?

A. Ordinarily yes, but not for a son who is disabled and unable to earn; maintenance is wider than food, clothing and lodging.

22. 2012 SCMR 671 — Khadeeja Bibi v. Abdul Raheem

Before: Jawwad S. Khawaja and Amir Hani Muslim, JJ; Civil Petition No. 1829-L of 2011, decided 21 February 2012

Q. Can an annual increase be granted without a factual basis?

A. No. The increase was set aside and the matter remanded for findings on the evidence.

23. 2011 SCMR 1325 — Mst. Nusrat v. Dr. Capt. Shahzad Riaz

Before: Muhammad Sair Ali and Khilji Arif Hussain, JJ; Civil Petition No. 737-L of 2011, decided 7 June 2011

Q. Are the father's obligations to a second family relevant to quantum?

A. Yes; they were taken into account, and a 10% annual increase was allowed.

24. 2011 SCMR 374 — Muhammad Arif v. Uzma Afzal

Before: Javed Iqbal and Jawwad S. Khawaja, JJ; Civil Petition No. 2492-L of 2009, decided 8 November 2010

Q. Can the defence be struck off for non-payment of interim maintenance?

A. Yes; the order striking off the defence was upheld.

25. PLD 2009 SC 760 — Tauqeer Ahmad Qureshi v. Additional District Judge, Lahore

Before: Faqir Muhammad Khokhar, M. Javed Buttar and Zia Perwez, JJ; On appeal from Writ Petition No. 310 of 2006, decided 2 February 2009

Q. On what basis is a minor's maintenance fixed?

A. On the father's status and financial condition.

26. 2009 SCMR 1037 — Zulfiqar Ali v. Mst. Shazia Bibi

Before: Mian Hamid Farooq, Syed Zawwar Hussain Jaffery and Sheikh Hakim Ali, JJ; Civil Petition No. 1698-L of 2008, decided 9 April 2009

Q. Is an Arbitration Council's maintenance certificate valid without notice under Rule 7?

A. No. Without notice to nominate a representative, the certificate was void.

27. 2007 SCMR 49 — Muhammad Sharif v. Additional District Judge

Before: Saiyed Saeed Ashhad and Ch. Ijaz Ahmed, JJ; Civil Petition No. 1326-L of 2006, decided 8 September 2006

Q. Is a wife forced out without fault entitled to past maintenance?

A. Yes; past maintenance was rightly decreed.

28. 2005 SCMR 1293 — Mavra Arshad v. Sheikh Ehsan Ghani

Before: Tanvir Ahmed Khan and Khalil-ur-Rehman Ramday, JJ; Contempt petition in C.P.L.A. No. 965-L of 2002, decided 25 February 2003

Q. What if a father and grandfather default on their undertaking to the Supreme Court to pay a minor's arrears?

A. The Court directed the Executing Court to execute the decree and recover the arrears from both within six months.

29. 2004 SCMR 1598 — Muhammad Abdul Lateef v. Sheikh Muhammad Ikram

Before: Mian Muhammad Ajmal and Tanvir Ahmad Khan, JJ; Civil Petition No. 3296-L of 2001, decided 24 June 2002

Q. How long must a father maintain a daughter?

A. Until her marriage.

30. 2003 SCMR 1836 — Manzoor Ahmed v. Hamad Raza

Before: Sh. Riaz Ahmed, CJ, Sardar Muhammad Raza Khan and Faqir Muhammad Khokhar, JJ; Civil Petition No. 2241-L of 2001, decided 1 July 2002

Q. Was the amount excessive against the father's pay slip?

A. No. On a take-home income of about Rs.16,000 the decretal amount was neither exorbitant nor disproportionate.

31. 2003 SCMR 764 — Abdul Ghafoor v. Mehmood Ahmad

Before: Munir A. Sheikh, Rana Bhagwandas and Khalil-ur-Rehman Ramday, JJ; Civil Petition No. 2934-L of 2001, decided 25 June 2002

Q. Can maintenance be granted from the date prayed in the plaint, before the suit?

A. Yes. The father was in any case bound to maintain his daughters during the earlier period.

32. 1990 SCMR 136 — Ghulam Khan v. District Judge, Gujrat

Before: Nasim Hasan Shah and Usman Ali Shah, JJ; Civil Petition for Leave to Appeal No. 322 of 1989, decided 16 June 1989

Q. Must a father maintain an unmarried adult daughter?

A. Yes, where there is a genuine reason why she is not married.

33. 1989 SCMR 1416 — Abdul Majid v. Humaira Bibi

Before: Muhammad Afzal Zullah and Javid Iqbal, JJ; C.P.L.A. No. 1081 of 1988, decided 1 March 1989

Q. Until when must the husband maintain a divorced wife?

A. Until the end of iddat.

34. 1988 SCMR 1332 — Muhammad Saeed v. District Judge, Lahore

Before: Muhammad Afzal Zullah, Javid Iqbal and Saad Saood Jan, JJ; Civil Petition for Special Leave to Appeal No. 1067 of 1983, decided 7 May 1988

Q. How may arrears of maintenance be realised?

A. By attaching the father's salary.

35. 1987 SCMR 670 — Muhammad Abdul Rashid v. Mst. Shazia Parveen

Before: Aslam Riaz Hussain, Javid Iqbal and Saad Saood Jan, JJ; Civil Petition for Special Leave to Appeal No. 899 of 1986, decided 20 December 1986

Q. How is quantum fixed where the husband's salary certificate shows low pay but he has other earnings?

A. The Court looked beyond the certificate to his side business and fixed Rs.500 a month as fair; the petition was converted into an appeal.

36. 1980 SCMR 385 — Muhammad Yusuf v. Mst. Nafeesa Khatoon

Before: Dorab Patel, Muhammad Haleem and Aslam Riaz Hussain, JJ; Civil Petition for Special Leave to Appeal No. K-173 of 1979, decided 15 January 1980

Q. Can past maintenance be decreed under Hanafi law?

A. Yes, following PLD 1972 SC 302.

37. 1978 SCMR 299 — Mst. Feroze Begum v. Lt.-Col. Muhammad Hussain

Before: Muhammad Gul, Muhammad Akram and Muhammad Haleem, JJ; Civil Petition for Special Leave to Appeal No. 125 of 1976, decided 25 June 1976

Q. Is the father liable when the children are in the mother's custody?

A. Yes; the mother's poverty or custody is no ground to relieve him.

38. 1972 SCMR 131 — Muhammad Usman v. Mst. Amna

Before: Sajjad Ahmad, Waheeduddin Ahmad and Salahuddin Ahmed, JJ; Civil Petition for Special Leave to Appeal No. K-188 of 1971, decided 17 February 1972

Q. Are maintenance and custody linked?

A. No. The father remains liable so long as the children are not handed over to him.

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39. 2026 CLC 1439 — Khalid Ashraf Khan v. Mst. Zainab Khan

Before: Syed Mudasser Ameer, J; Writ Petition No. 1119-A of 2022, decided 16 April 2026

Q. Does a father's duty end when a daughter becomes major?

A. No. The burden is on the father to show that she is financially independent. Petition dismissed.

40. 2026 YLR 2143 — Mst. Samrina v. Ubaidullah

Before: Dr. Khurshid Iqbal, J; Writ Petition No. 655-M of 2021, decided 20 February 2023

Q. Is a mother's earlier agreement on a low amount binding on the child?

A. No. Rs.3,000 fixed in 2020 was insufficient; the child's need governs and enhancement was allowed.

41. 2024 YLR 2841 — Muhammad Raheel v. Mst. Rimsha Anwar

Before: Muhammad Faheem Wali and Dr. Khurshid Iqbal, JJ; Writ Petition No. 217-D of 2023, decided 26 April 2023

Q. Can interim maintenance under section 17-A be challenged in writ?

A. Only if the order is arbitrary or without jurisdiction. Petition dismissed in limine.

42. 2024 CLC 1772 — Hazrat Bilal v. Mst. Asmat Bibi

Before: Shahid Khan, J; Writ Petition No. 675-M of 2023, decided 6 June 2023

Q. Is a well-off paternal grandfather liable where the parents cannot maintain the child?

A. Yes; under the law and Sharia he must maintain his grandchildren in his lifetime. Petition dismissed.

43. 2023 YLR 2003 — Almir v. Mst. Banglow Bibi

Before: Muhammad Naeem Anwar and Shahid Khan, JJ; Writ Petition No. 1341-M of 2022, decided 26 April 2023

Q. Who maintains a child whose father has died?

A. The paternal grandfather, if the conditions under Islamic law are met. Petition dismissed.

44. 2023 CLC 1959 — Farman Ullah v. Mst. Shaheen Akhtar

Before: Fazal Subhan, J; Writ Petition No. 69-B of 2023, decided 17 April 2023

Q. Must a husband maintain a wife living separately during the marriage?

A. Yes, under section 9 MFLO, where she has a lawful reason to live apart.

45. 2022 MLD 945 — Mst. Mehnaz Bibi v. Muhammad Tahir

Before: Lal Jan Khattak and Muhammad Naeem Anwar, JJ; Writ Petition No. 2788-P of 2020, decided 4 May 2021

Q. How is interim maintenance assessed?

A. On the father's status and the child's basic needs; interim maintenance was fixed until disposal of the suit.

46. 2021 CLC 374 — Noor ul Sahar v. Tahir Naqash Khan Khattak

Before: Qaiser Rashid Khan and Muhammad Ibrahim Khan, JJ; W.P. No. 2128-P of 2019, decided 8 July 2020

Q. Is a wife entitled to interim maintenance where the husband has not taken her home?

A. Yes; interim maintenance was allowed for her and the minor.

47. 2021 MLD 1694 — Kamran Sher v. Mst. Sadia

Before: Muhammad Naeem Anwar, J; Writ Petition No. 1418-P of 2020, decided 4 December 2020

Q. Is a wife living apart entitled to maintenance because dower is unpaid?

A. In principle yes, but it was refused on the facts, as the dower was genuinely disputed and her grounds failed.

48. 2020 YLR 2224 — Mst. Kalsoom Bibi v. Javed Iqbal

Before: Syed Muhammad Attique Shah, J; Writ Petition No. 815-D of 2019, decided 5 December 2019

Q. Can a wife's property be attached for not obeying a restitution decree that was conditional on past maintenance?

A. No. Her refusal because of threats to her life was not wilful; the appellate order was set aside. Petition accepted.

49. 2020 YLR 1850 — Mst. Sana Gul v. Usman Khan

Before: Ahmad Ali, J; Writ Petitions Nos. 2892-P and 4083-P of 2019, decided 11 October 2019

Q. Does a wife who stays away because prompt dower is unpaid keep her maintenance?

A. Yes.

50. 2020 CLC 803 — Sakhawat Hussain v. Mst. Rubina Shaheen

Before: Sahibzada Asadullah, J; W.P. No. 749-D of 2019, decided 17 October 2019

Q. Does a second marriage affect the first wife's maintenance?

A. She is entitled whether she left or was forced out.

51. 2019 MLD 401 — Iqbal Rabbani v. Noor ul Ain

Before: Syed Arshad Ali, J; W.P. No. 1144-A of 2017, decided 5 December 2017

Q. Can a husband abroad defend through a wakalatnama and written statement signed only by his father?

A. The defect is curable. Striking off the defence was set aside; the wakalatnama was returned for proper resubmission and the husband allowed to file his attorney's power of attorney. Petition allowed.

52. 2018 YLR 1501 — Mst. Zakiya Bibi v. Murtaza Shah

Before: Muhammad Younis Thaheem, J; W.P. No. 183-D of 2015, decided 31 January 2018

Q. Is an execution petition for maintenance filed more than three years after the decree time-barred?

A. No. Each default is a fresh denial; the Limitation Act does not strictly apply. The Executing Court's order was restored. Petition accepted.

53. 2018 YLR 761 — Muhammad Azeem v. Mst. Nasreen Bibi

Before: Syed Muhammad Attique Shah, J; Writ Petition No. 39-A of 2017, decided 26 July 2017

Q. Can a father call extra witnesses two years into the trial?

A. No, without a plausible reason; refusal upheld and petition dismissed.

54. 2018 YLR 436 — Dolat Khan v. Mst. Bakht Nisa

Before: Syed Muhammad Attique Shah, J; Writ Petition No. 733-A of 2017, decided 26 July 2017

Q. Can a husband duly served set aside an ex parte maintenance decree?

A. No. He was served at his own address and showed no reason for absence; he who seeks equity must do equity. Dismissed in limine.

55. 2018 YLR 128 — Sher Zaman v. Mst. Mahzari

Before: Muhammad Younis Thaheem, J; Writ Petition No. 2175-P of 2016, decided 24 April 2017

Q. Can past maintenance for six years be decreed for a wife turned out of the house?

A. Yes. The husband is liable from the nikah; she had been ousted by cruelty and was entitled.

56. 2018 MLD 407 — Mst. Tahira v. Muhammad Irfan

Before: Shakeel Ahmad, J; Writ Petition No. 2507-P of 2017, decided 19 June 2017

Q. Does denial of paternity bar interim maintenance?

A. No; interim maintenance may be fixed while the denial is tried.

57. 2016 YLR 2801 — Imran Sajid v. Mst. Sania

Before: Qaiser Rashid Khan and Rooh-ul-Amin Khan, JJ; W.P. No. 4176-P of 2015, decided 18 January 2016

Q. Is an interim maintenance order appealable?

A. No. Section 14 bars an appeal against an interim order.

58. 2016 CLC 1668 — Syed Nobahar Shah v. Mst. Salma Bibi

Before: Ikramullah Khan and Muhammad Younis Thaheem, JJ; W.P. No. 410-B of 2013, decided 26 March 2015

Q. Is a wife who refuses to live with an abusive husband entitled to maintenance?

A. Yes. Abuse and misbehaviour are cruelty and justify her living apart.

59. 2016 CLC 256 — Sher Dil Khan v. Baby Maimoona

Before: Abdul Latif Khan and Malik Manzoor Hussain, JJ; W.P. No. 86-H of 2015, decided 6 February 2015

Q. What limitation governs execution of a maintenance decree?

A. The first application falls under Article 181; later ones under section 48 CPC (six years). Petition dismissed.

60. 2014 YLR 1563 — Mst. Shazia v. Muhammad Nasir

Before: Rooh-ul-Amin Khan and Syed Afsar Shah, JJ; Writ Petition No. 492-B of 2012, decided 11 December 2013

Q. How long does a father maintain sons and daughters?

A. Sons until puberty and daughters until marriage; a wife living apart for unpaid dower keeps her maintenance.

61. 2014 MLD 351 — Farid Khan v. Saeeda Bibi

Before: Waqar Ahmad Seth and Mrs. Irshad Qaiser, JJ; Writ Petition No. 681-A of 2013, decided 8 October 2013

Q. Can the mother waive the minor's right to maintenance?

A. No. The father is liable whether the children live with the mother or with him, and even for a divorced daughter living with her mother.

62. 2014 CLC 715 — Muhammad Saad Ali v. Mst. Maryam Khan

Before: Mazhar Alam Khan Miankhel and Musarrat Hilali, JJ; Writ Petition No. 864-P of 2013, decided 13 May 2013

Q. Can a Family Court review an order striking off the defence?

A. No. The Family Courts Act provides no review; the defendant who did not file his written statement bore the consequences.

63. 2013 MLD 537 — Mst. Ishrat Bibi v. Muhammad Arshad

Before: Qaiser Rashid Khan and Shah Jehan Khan Akhundzada, JJ; Writ Petition No. 454 of 2010, decided 17 October 2012

Q. Is a wife who left on her own attitude entitled to maintenance?

A. No. It was not ouster, so maintenance was refused.

64. 2013 YLR 650 — Obaidullah v. Seemab Akhtar

Before: Imtiaz Ali and Yahya Afridi, JJ; Writ Petition No. 2360 of 2010, decided 2 November 2010

Q. Is a wife entitled where the evidence does not show she left of her own accord?

A. Yes; the husband's plea failed on the evidence. Petition dismissed.

65. PLD 2012 Peshawar 97 — Abdul Khaliq v. Mst. Fozia Bibi

Before: Yahya Afridi and Khalid Mehmood, JJ; Writ Petition No. 19 of 2012, decided 18 January 2012

Q. Can a low-paid father supporting his mother and sisters avoid maintenance?

A. No. Quantum follows his means, but the duty stands; the interim order continued. Petition dismissed.

66. 2012 CLC 1272 — Syed Abu Talib Shah v. Mst. Bibi Rukhsar Zahra

Before: Miftah-ud-Din Khan and Waqar Ahmad Seth, JJ; Writ Petition No. 1840 of 2010, decided 13 March 2012

Q. Is the husband liable to a wife living apart because prompt dower is unpaid?

A. Yes; non-payment of prompt dower is a lawful excuse to refuse cohabitation.

67. PLD 2010 Peshawar 10 — Waqar Ahmad v. Nomina Akhtar

Before: Dost Muhammad Khan and Abdul Aziz Kundi, JJ; Writ Petition No. 2888 of 2009, decided 21 January 2010

Q. Must a father maintain a child whose legitimacy he disputes?

A. Yes. The child was held legitimate and the father bound to maintain it. Petition dismissed with costs.

68. PLD 2005 Peshawar 194 — Mst. Anar Mamana v. Misal Gul

Before: Muhammad Qaim Jan Khan and Fazlur Rehman Khan, JJ; Writ Petition No. 883 of 2003, decided 6 May 2005

Q. Can a husband who deserted his family for years defeat maintenance by sending a jirga just before the suit?

A. No. Wife's maintenance was allowed until iddat and the daughter's until her marriage.

69. 2004 MLD 1325 — Shahid Raza v. Dr. Fauzia Shaheen

Before: Talaat Qayum Qureshi and Muhammad Qaim Jan Khan, JJ; Writ Petition No. 399 of 2004, decided 1 April 2004

Q. Will the High Court reappraise maintenance findings in writ?

A. No, unless misreading or non-reading of evidence is shown.

70. 2004 YLR 130 — Mushtaq Ahmad v. Mst. Neelam

Before: Talaat Qayum Qureshi and Ijaz-ul-Hassan Khan, JJ; Writ Petition No. 774 of 2003, decided 19 September 2003

Q. Is a wife forced out by cruelty entitled to maintenance?

A. Yes. Maintenance is a legal obligation of the husband, not a gift. Petition dismissed in limine.

71. 2001 CLC 1983 — Muhammad Azam Khan Tareen v. District Judge, Haripur

Before: Nasir-ul-Mulk and Ijaz-ul-Hassan, JJ; Writ Petitions Nos. 13 and 14 of 2001, decided 9 May 2001

Q. Was Rs.5,000 per child excessive for a father owning considerable land?

A. No; it was proper given his status. He may seek variation if circumstances change.

72. 1999 CLC 1668 — Arbab Mir Muhammad v. Mst. Iram Iltimas

Before: Mrs. Khalida Rachid and Tariq Parvez, JJ; Writ Petition No. 333 and C.M.A. No. 329 of 1999, decided 20 April 1999

Q. Can maintenance fixed long ago be re-fixed?

A. Yes; a fresh application to re-fix maintenance fixed in 1986 was maintainable.

73. 1999 MLD 2723 — Khawaja Muhammad v. District Judge, Mansehra

Before: Sardar Muhammad Raza Khan and Muhammad Azam Khan, JJ; Writ Petition No. 57 of 1998, decided 28 October 1998

Q. Is an appeal barred because maintenance per child is below the appeal threshold?

A. No. The amount is read per month for the decree as a whole, not per head; the District Judge wrongly refused to hear the appeal.

74. 1996 CLC 1723 — Mst. Nasreen Bibi v. Maqbool Shah

Before: Nasir-ul-Mulk, J; W.P. No. 97 of 1995, decided 5 March 1996

Q. From when is maintenance due to a wife living apart for unpaid prompt dower?

A. From the suit, which is itself a demand, until payment.

75. PLD 1995 Peshawar 124 — Maqbool Hussain v. Abdur Rehman

Before: Muhammad Bashir Khan Jehangiri, J; Civil Revision No. 10 of 1987, decided 6 March 1993

Q. Is a finding in maintenance proceedings that a child is illegitimate binding in a later inheritance suit?

A. No; it had no evidentiary value there. Legitimacy is proved under Article 128 of the Qanun-e-Shahadat.