

**IN THE COURT OF XIX<sup>th</sup> FAMILY JUDGE AT KARACHI (SOUTH)**

Family Suit No. \_\_\_\_/2019

Mst. ABCD Bibi  
D/O Mohammad Ramazan,  
Muslim, adult,  
bearing CNIC No.42301-2233448-0  
Resident of House No. 2234, street,  
Mohalla 111, Sector D/2 Hijrat Colony,  
, Karachi.

(i) Baby XXX (Age 13 Months)

..... Plaintiffs

Versus

0000,  
S/O Dur Mohammad,  
Resident of House No.  
G-000, Block 0000,  
Gohar Abad, F.B Area,  
Karachi..... Defendant

**SUIT FOR DISSOLUTION OF MARRIAGE BY WAY OF KHULA,  
RECOVERY OF DOWRY ARTICLES & MAINTENANCE**

The Plaintiff above named most respectively submits as under:

1. That the Plaintiff was married being arranged with the Defendant on dated 07-04-2017 according to the Sunni Muslim Law against the dower amount Rs. 50,000/= which is still unpaid.

*(The photocopy of Nikahnama is attached herewith as annexure "A").*

- 2. That after marriage Rukhsati took place on same day and marriage was consummated, that out of this wedlock one issue was born baby XXX on 08-08-2018. After few months of marriage sudden changes took place in the behavior of defendant.*

*(The photo copy of Birth certificate is attached is annexed herewith as Annexure "B")*

- 3. That at the time of marriage the family of plaintiff gave her various dowry articles, which is still in possession of defendant in defendant's home.*

*(The photocopy of list of dowry articles is annexed herewith as annexure "C").*

- 4. That after the marriage, the defendant shown their true color and started ill treating in insulting and physical beaten the plaintiff without any reasons on petty matters of house and he had made it as regular habit.*
- 5. That after solemnize of nikkah/marriage besides above tragedy the attitude and behavior of the defendant towards the plaintiff were oppressive, ignorant and cruel. The defendant was in habit to use filthy defamatory, abusive and taunting language against the plaintiff and the defendant also used to extend physical and mental torture.*
- 6. That the Defendant after marriage used to live in a joint family system where the behavior of the Defendant and his family was abusive, torturing and insulting. The Plaintiff not only physically beaten by the Defendant but the brothers and mother of the Defendant also use to beat Plaintiff on the petty domestic issues.*

7. *That the defendant is cruel person after the inception of marriage the plaintiff had spent time with the defendant and during stay most of the time of the defendant proved himself as a careless person. The Defendant did not provide even proper food, clothes, and other basic necessities of life to the plaintiff and made her life miserable.*
8. *That the during the stay with Defendant at his house the Plaintiff, had to suffer humility, cruelty and insulting behavior of Defendant who never gave due respect, honor and dignity which deserved the Plaintiff being her legally wedded wife, even she was not treated as human being.*
9. *That after ten days of marriage the defendant maltreated the plaintiff and he adopted the same behavior in subsequent days. The Defendant dated 17-07-2019 gave an inhuman beating, grabbed the 11 months baby and finally threw her from his house only three wearing clothes. The parents and brother of plaintiff have tried to talk with defendant to resolve the matter but the defendant never talk and try to resolve this matter.*
10. *That the defendant never provide any single penny towards the plaintiff maintenance since 1<sup>st</sup> day of marriage till today despite an obligatory condition is written in the Nikkahnama that the husband will pay every month Rs. 5000/- to his wife if any situation of separation is coming between husband and wife, hence it is evident that the defendant has intentionally and willfully been avoiding to fulfill his religious moral and legal obligations for providing of maintenance to the plaintiff as well as to his children for which he is/was bound to pay them being husband.*
11. *That from the day of Rukhsati till the marriage and onward the Defendant and his family members proved themselves as uncivilized, irresponsible, cruel, untrustworthy, suspicious nature and questionable characters, as such, the plaintiff has developed great hatred for and mental aversion against*

*the Defendant, besides it looking the past conduct of the defendant the plaintiff has genuine apprehension for loss of her life in the hands of the defendant and family hence, it has become impossible for her to live with the defendant as his legally wedded wife within the limits prescribed by AL-Might Allah and she would prefer to die rather to live with the Defendant and in these circumstances the Plaintiff is left with no other option except to seek decree for dissolution of marriage by way of khula from this Honorable Court.*

*12.The Defendant is also been irresponsible from the side of her daughter/plaintiff no. 2 and have miserably failed to fulfill his legal and moral duties towards her daughter despite many oral requests the Defendant failed to honor his obligations.*

*13.The monthly necessary expenditures borne by the Defendant in maintaining the Minor are listed hereunder:-*

<i>(a) Milk (per month)</i>	<i>Rs. 7000/-</i>
<i>(b) Medicines/regular checkups</i>	<i>Rs. 4000/-</i>
<i>(c) Other miscellaneous expenses</i>	<i>Rs. 4000</i>

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*Total. Rs. 15000/-*

*14.That no of Haq Mehar (Dower amount) has been paid by the defendant in any shape, in consideration of khula and she is ready, willing to forgive her dower amount.*

*15.That the cause of action is arisen when the plaintiff was being insulted regularly insulted by the Defendant on petty matters, and lastly she was kicked out by the defendant from his house in three clothes. The Defendant and his family members snatched the baby of Plaintiff who is suckling baby and cannot survive without the mother feed.*

16. That the Plaintiff being a mother is lurking to embrace her minor but the Defendant and his family members are extended threats of dire consequences to the Plaintiff and other family members and refused to even allow the Plaintiff to see the minor. The Defendant and other family members also used very filthy, abusive, ridiculous and a language of defamation in nature with the Plaintiff and her family members.

17. That the Defendant is not ready to come on table talks to settle the issue and handover the custody of a suckling baby to the mother despite many efforts by the Plaintiff and his family.

18. That the plaintiff is residing at the above given address within the jurisdiction of P.S Civil Lines and this Honorable Court ample power to entertain this matter.

### PRAYER

It is respectfully prayed on behalf of the plaintiff above named that this Honorable Court may be pleased to pass a judgment and decree in favour of the plaintiffs and against the defendant as under:-

- i. To dissolve the marriage by way of Khula.
- ii. To direct the Defendant to pay the monthly amount for the expenses of baby being a biological father of the baby which is an obligation upon him according the Muslim family law.
- iii. To direct the defendant to return all the dowry articles as well as gifts which were given by the parents to the plaintiff at the time of marriage as well as the personal belongings.

- iv. *To direct the Defendant to arrange safe transportation for dowry articles from the defendant's house to the house of plaintiff and bear its transportation cost or to pay alternate amount of Rs. 100,000/- for dowry articles to the plaintiff.*
- v. *To direct the defendant to pay maintenance to the plaintiff at the rate of Rs. 10,000/= per month since April 2017 up till completion of her Iddat period.*
- vi. *Grant any other relief/reliefs which deem fit by this Honourable Court under the circumstances of the case.*
- vii. *Cost of this suit may also be awarded to the Plaintiff.*

*Karachi;*

**PLAINTIFF**

*Dated: -09-2019*

**ADVOCATE FOR THE PLAINTIFF**

**VERIFICATION**

*I, Mst. ABCD Bibi D/O Mohammad Ramazan, Muslim, adult, bearing CNIC No.42301-0710648-0, Resident of House No. 1460, street, Mohalla 55, Sector D/2 Hijrat Colony, Ahmed Raza Khan Road, Karachi. Plaintiff in above matter do hereby verify on oath that whatever has stated in forgoing contents are true and correct to the best of my knowledge and belief.*

**DEPONENT**

*Identified by me:*

**ADVOCATE**

SWORN BEFORE ME ON OATH AT Karachi on this    day of November, 2019  
Deponent above named who is identified to me by Mr. XXXX Advocate who is  
known to me personally.

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*Documents filed*

*As per annexure*

*Documents Relied upon:*

*Original of the annexures  
and all other documents.*

*Address of the parties:*

*As mentioned above*

*Address for service of Plaintiff's Counsel: 10/2, Khayaban-e- Ameer   Khusro,  
D.H.A Phase-VI, Karachi*

*Karachi;*

*Dated: -11-2019*

**ADVOCATE FOR THE PLAINTIFF**

**IN THE COURT OF XIX<sup>th</sup> FAMILY JUDGE AT KARACHI (SOUTH)**

*Family Suit No. \_\_\_\_/2019*

*Mst. ABCD Bibi*

(ii) *Baby XXX (Age 13 Months)*

..... *Plaintiffs*

*Versus*

0000..... *Defendant*

**APPLICATION UNDER SECTION 17-A OF FAMILY COURT ACT 1964,**  
**FOR THE INTERIM MAINTENANCE OF MINOR**

*It is most respectfully prayed on behalf of the applicant above named that this Hon'ble Court may please to pass the an interim order for maintenance for sum of Rs. 15000/- for the Plaintiff No. 2/Minor by looking the per month expenses of the Plaintiff No. 2. As the Defendant is legally and morally bound to pay all previous, current and future expenses of the Minor in means his education and other necessities of life.*

*Karachi;*

*Dated: -11-2019*

*Advocate for the Applicant*

**IN THE COURT OF XIX<sup>th</sup> FAMILY JUDGE AT KARACHI (SOUTH)**



Mst. ABCD Bibi

(i)Baby XXX (Age 13 Months)

..... Plaintiffs

Versus

0000.....Defendant

**AFFIDAVIT IN SUPPORT OF APPLICATION**

*I, Mst. ABCD Bibi D/O Mohammad Ramazan, Muslim, adult, bearing CNIC No.42301-0710648-0, Resident of House No. 1460, street,Mohalla 55, Sector D/2 Hijrat Colony, Ahmed Raza Khan Road, Karachi. as under:-*

- 1. That I say that I am the applicant in above matter and the deponent of this affidavit hence fully conversant with the facts of the case.*
- 2. That I say that this application for the maintenance of that has been drafted by my counsel upon my specific instructions and the same may be treated as part of this affidavit.*
- 3. I say that the Hon'ble Court may please to direct the Defendant in the interest of justice to fix monthly expenses of Rs. 15000/- for the Minor. As the Defendant is legally and morally bound to pay all previous, current and future expenses of the Minor in means of his education and other necessities of life.*

4. *I say that unless my application is not granted I shall be seriously prejudiced.*

5. *I say that whatever is stated herein above is true and correct to the best of my knowledge and belief.*

*Karachi*

*Dated: -11-2019*

*Deponent*

*Advocate*

*Solemnly affirmed before me on this 5<sup>th</sup> day of July, 2018 by the Deponent above named who is identified to me Ms. Sadaf Gul Advocate who is known to me personally*

COMMISSIONER FOR TAKING AFFIDAVITS

**IN THE COURT OF XIX<sup>th</sup> FAMILY JUDGE AT KARACHI (SOUTH)**

*Family Suit No. \_\_\_\_/2019*

*Mst. ABCD Bibi*

*(i)Baby XXX (Age 13 Months)*

..... *Plaintiffs*

*Versus*

0000..... *Defendant*

**LIST OF WITNESSES**

1. *Plaintiff herself*

2. *Mohammad Younus (Brother)*

*Karachi*

***Dated: -11-2019***

***ADVOCATE FOR THE PLAINITFF***

**IN THE COURT OF XIX<sup>th</sup> FAMILY JUDGE AT KARACHI (SOUTH)**

Family Suit No. \_\_\_\_/2019

Mst. ABC

(i)Baby XXX (Age 13 Months)

.....

Plaintiffs

Versus

0000.....

Defendant

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Karachi;

Dated: -11-2019

**ADVOCATE FOR THE PLAINTIFF**

