

Case Law PDF Free download on Family Court Ordinance, 1985.

1. Sec.-16(3): ... There is no legal bar to proceeding with the executing U/S 16(3) of the Family Court Ordinance for the unpaid amount. | **5 BLC(AD) 184**
2. Sec.-16(3B): **A fresh and separate cause of action** will arise for failure to pay money of each and every installment for the purpose of sending the judgment debtor to imprisonment for his failure to pay the money under each installment. | **51 DLR 554, 5 BLC(AD) 184, 20 BLD(AD) 84, 19 BLD 466**
3. Past Maintenance: It is true is no provision for past maintenance either in FCO-1985 or in the MFLO-1961. In spite of all these, the preponderance of judicial view is that in appropriate care the court can allow past maintenance. | **16 BLD 477, 48 DLR(AD) 110, 58 DLR 583, 26 BLD 613**
4. The Mohammedan Law and Sec.-5 of FCO-1985: A mother is custodian of minor son till he attained the age of 7 years and of a minor daughter till she attain the age of puberty, but just on second marriage of the mother the father by operation of law becomes the custodian, for such custody no declaration by any court is necessary. The father has the right to maintain his minor child, expect him nobody can claim custody of his minor children. | **10 ALR(HCD) 12, 13 MLR(HC) 434, 9 MLR(AD) 71, 69 DLR 503**
5. Sec-21: As per Sec.-21 otherwise than as a witness all other persons expect "Pardahnashin" lady are required under the law to appear before the family court. | **10 ALR(HCD) 30**
6. Sec- 3 and 5: In the instant case both the parties are members of **Hindu Faith** according to whose customs there is no provision of divorce. The trial court decreed the suit for **past and future maintenance** which both the HCD and AD upheld. | **15 MLR(AD) 167, 47 DLR 514**
7. Sec.-5: When the marriage is admittedly dissolved by "Talak" at the instance of the husband and the husband failed to established the payment of the dower as claimed, the wife is legally entitled to realise the dower money as well as the maintenance during the period of her iddat. | **14 MLR(AD) 33**
8. Sec-5: **Custody of minor** - Best welfare of child shall be the paramount consideration.... The HCD directed the boy though age 10 years to be restored to the custody of the mother during the pending of the family court suit. | **14 MLR(HC) 465, 13 MLR(HC) 435**
9. Sec- 5 of FCO-1985 with sec-7(1) of MFLO-1961:When the notice is not properly served the divorce does not become valid and the marriage between the husband and wife subsists and as such the wife so long remains loyal is entitled to maintenance. | **11 MLR(HC) 213**
10. Sec-17: Appeal Shall lie to the district judge against judgement, decree or order passed by the Family Court. | **15 MLR(HC) 51, 10 BLD(HCD) 404, 38 DLR(AD) 172**
11. Sec-5: Even if the children prefer to live with their mother due to natural affection or attachment for her, that would not anyway affect the liability of the father to maintain the children. | **50 DLR 12**
12. Sec-5: It is not only the wife who can file a suit in the family court for her own maintenance but also for maintenance for her child..... | **48 DLR(AD) 110, 50 DLR 180**
13. Sec-5:Poor or disabled relatives, even servants of the wife can maintain a suit for maintenance under this section. | **48 DLR(AD) 110**
14. Sec-5 and sec-16(4): Call it the executing court or the trial court, it is nonetheless the family court which passed the decree and its power to allow installments even after passing of decree is undoubted. | **49 DLR(AD) 57**
15. Agreement between wife and husband (visiting right by sending minor son) -- valid. | **48 DLR(AD) 134, 2 LNJ(AD) 25**
16. Kabinnama or its registration is not essential in order to establish the validity of marriage. | **51 DLR 292**

17. Suit for cancellation of "Kabin-nama": Title suit filed before subordinate judge- Family court has got every jurisdiction to decide as whether the "Kabin-nama" in question is a genuine and valid document or not and whether any marriage between the petitioner and opposite party was ever solemnised or not before it decides to grant any decree for dower and/or maintenance. | **10 BLT 485**
18. Sec-5: Father should apply to the F.C. to see his daughter and the arrangement to see the minor can be made at neutral places or any other places at which the parties may agree. | **10 ADC 346**
19. Sec-5(c)(d): To pay maintenance to wife till she marriage again and pay maintenance to daughter till her marriage. | **13 BLC(AD) 137**
20. Sec-5: Refund to return to her husband's house without sufficient cause and therefore she is not entitles to maintenance. | **14 DLR 465**
21. Non-payment of maintenance for more than 2 years is a ground for dissolution of marriage. | **17 DLR 732**
22. Article 120 of Limitation Act. : Past maintenance to wife and child: Entitled to for 6 years. | **1 BLC(AD) 56**
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