

How to cross examine a spouse in maintenance proceedings in Pakistan

A practical guide to proving income, testing expenses and presenting a fair financial case in the Family Court

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Effective cross-examination in a maintenance case gives the Family Judge facts on which to decide entitlement, means and a reasonable amount. A useful admission identifies an income source, explains an expense, establishes a payment or resolves a material contradiction. A long examination that produces none of these may leave the case exactly where it began.

Preparation should therefore start with the finding counsel wants the Court to make. If the dispute concerns school fees, prepare the fee record. If it concerns concealed earnings, identify the employer, account or business document. If it concerns separation, identify the pleaded reason and the evidence supporting each party's account.

This guide addresses civil maintenance proceedings involving Muslim wives and children in Pakistan. It covers examination of a claimant wife and a respondent husband. It does not suggest that Pakistani Muslim personal law creates an identical maintenance entitlement for either spouse. Provincial and Islamabad Capital Territory legislation must be checked separately; references below identify Punjab-specific provisions where relevant.

1 Know the legal limits before preparing questions

Section 11(3) of the Family Courts Act expressly permits examination, cross-examination and re-examination. It also authorises the Court to prohibit questions that are indecent, scandalous, frivolous, intended to insult or annoy, or needlessly offensive. Section 11(3A) allows the judge to ask questions to clarify a material point. [Family Courts Act, section 11.](#)

Section 17 excludes the ordinary application of the Qanun-e-Shahadat and most of the Code of Civil Procedure to the scheduled family proceedings, subject to the Act's qualifications. Counsel should use the Family Courts Act as the procedural starting point. Familiar cross-examination techniques remain useful, but a submission that every technical evidence rule automatically governs the Family Court is unsafe. [Family Courts Act, section 17.](#)

The dignity limit has practical consequences. In *Saleh Muhammad v. Mst. Mehnaz Begum*, the Supreme Court condemned litigation used to humiliate a wife through allegations about her identity and fertility, and imposed Rs 500,000 costs. Infertility was no ground to deny maintenance. [Civil Petition 354-P/2025, paragraphs 14–20, judgment text reproduced here.](#)

Firm questions about a disputed bank transfer are proper preparation. An attack on a witness's dignity has no place in the financial inquiry.

2 Separate entitlement from the amount claimed

A wife may have a legal entitlement while the amount requested remains disputed. A successful challenge to one expense does not necessarily dispose of her claim.

In *Ambreen Akram v. Asad Ullah Khan*, the Supreme Court held that maintenance arises from a valid marriage and is not conditional on rukhsati or consummation. The husband bears a high burden to establish the narrowly framed exception of wholly unjustified withdrawal from the marital relationship. The judgment also explains why non-cohabitation caused by abuse, neglect or failure to provide appropriate accommodation cannot simply be treated as unjustified withdrawal. [2026 SCMR 1, paragraphs 15–20, judgment text reproduced here.](#)

The wife's own resources are not an automatic answer either. *Haseen Ullah v. Naheed Begum* states that a Muslim husband remains bound to maintain his wife even where she can support herself from her own resources. [PLD 2022 SC 686, paragraph 9, judgment text reproduced here.](#)

Keep a child's claim separately identified. Questions about the spouses' relationship do not establish the child's school costs, medical needs or payments already made. A claimed admission about the mother's salary should not be presented as if it answers all those different questions.

3 Prepare a short plan tied to the record

Read the complaint, written statement, framed issues, affidavit or examination-in-chief, interim orders and payment record together. Give each proposed line of questioning a purpose.

Disputed point	Record to prepare	Admission or clarification sought
Actual earnings	Employer record, payslips and relevant account entries	Salary, allowances and period of employment
Claimed expenditure	Fee notices, rent agreement and medical records	Amount, frequency, beneficiary and actual payer
Payment already made	Court deposits, transfers and receipts	Receipt, purpose and month covered
Separation	Pleaded dates, messages and any relevant orders	What happened and the reason for living apart
Alleged financial difficulty	Termination record, accounts and proved liabilities	Whether the difficulty is genuine and current

Have a sound factual basis before suggesting a bank account, property or payment exists. A question is not evidence of the fact embedded in it. Identify documents by their actual description and record status; do not invent an exhibit number or describe an unproved photocopy as an admitted record.

4 Cross examining a husband about income and resources

Establish the source before disputing the figure

Begin with short questions that identify the income source. Where supported by the pleadings or record, a sequence may be:

1. You are employed by the company named in paragraph 6 of your written statement?
2. Your present designation is assistant manager?
3. You held that post during the period for which maintenance is claimed?
4. Your employer pays you through a bank account?
5. The account identified in this statement is that salary account?
6. Your remuneration includes the allowance shown separately on this payslip?
7. The income figure in your affidavit excludes that allowance?

The last question is appropriate only if the documents actually support it. Obtain an answer about each component before suggesting that the total is understated.

There is a useful Pakistani example. In *Khursheed Ahmed v. Tasmeena Shaikh*, the Sindh High Court recorded that the husband admitted his higher salary when confronted with salary slips. It upheld the appellate assessment based on that record and rejected unsupported additional dependency claims raised later. [Constitution Petition S-263/2021, decided 14 October 2022, paragraphs 9–11.](#)

Distinguish salary from every credit in an account

A credit may represent earnings, a loan, a refund or a transfer between the witness's own accounts. Ask about its source and purpose before treating it as recurring income:

1. This credit of Rs 40,000 was received on the date shown?
2. Who transferred it?
3. Was it payment for work, repayment of a loan or a transfer from another account?
4. You rely on it being a loan repayment?
5. Have you produced the underlying loan record?

Use a limited open question where the source is genuinely unknown. Then test the answer against available records. Counting the same money twice will weaken the submission.

For business income, distinguish turnover, expenses and the owner's drawings. Ask who operates the business, which account receives customer payments, who meets business expenses, and what amounts the witness regularly withdraws for personal use. Do not equate gross sales with personal profit.

Test a claim of reduced means fairly

If unemployment, illness or a business loss is pleaded, ask when it began, what record supports it and what income remains. Relevant questions may include:

1. Your employment ended on the date in this letter?
2. What final salary or benefits did you receive?

3. You continue to receive the rent identified in your affidavit?
4. This liability began before or after the interim maintenance order?
5. What document shows the amount actually paid towards it each month?

A photograph beside an expensive car may justify an inquiry about ownership or use. It does not by itself establish ownership, monthly income or the ability to pay a particular sum. Treat lifestyle evidence as a lead requiring context.

5 Cross examining a claimant about expenses

Clarify the budget before challenging it

Take expenses one head at a time. Establish whose expense it is, how often it occurs, who pays it and whether it is included elsewhere.

Questions may include:

1. The figure under education covers tuition alone?
2. This fee notice separately identifies transport charges?
3. The admission fee is payable once in the academic year?
4. Have you included that annual charge in every month's claim?
5. The rent claimed is for the entire household?
6. Who else resides there?
7. What part of the rent are you asking the Court to attribute to yourself and the child?
8. The medical estimate relates to a continuing treatment prescribed on this date?

Annual costs can be spread over twelve months for a transparent comparison. Ask how the figure was calculated; do not assume that every annual payment is an overstatement. Similarly, household rent needs explanation rather than an arbitrary division by the number of residents.

A missing receipt for groceries is a different matter from a disputed school invoice. Ask how the estimate was reached. In submissions, distinguish a reasonable recurring estimate from an unsupported precise assertion; avoid turning an absence of receipts into the assertion that no ordinary living expense exists.

Identify what is actually disputed about income

Where the wife estimates the husband's income, test the source of her knowledge:

1. The amount pleaded is based on what he told you during the marriage?
2. You personally saw a payslip for that period?
3. Have you seen a payslip after his change of employment?
4. Your present estimate includes the rental income mentioned in paragraph 8?

A concession that she lacks access to a current payslip does not establish the husband's competing income figure. It identifies a gap that the relevant record can resolve. If representing the husband, support his positive account with his own reliable financial evidence.

Test alleged nonpayment against particular transactions

If the defence is payment, prepare a month-by-month reconciliation. Ask about a specific transaction rather than suggesting vaguely that the husband always paid:

1. The receiving account ending in these digits belongs to you?
2. Rs 15,000 was credited on the date shown?
3. What was that payment for?
4. Your arrears calculation includes the same month without credit for that transfer?

If the witness says the payment was dower, reimbursement or a gift, record and test that explanation. The transfer itself does not settle its legal character. A payment by a relative also requires a link to the husband's alleged maintenance payment; relationship alone does not prove that link.

6 Examine separation only where it affects a pleaded issue

If withdrawal from the marital relationship is a pleaded defence, examine concrete events. Use Ambreen Akram's narrow exception as the legal framework, rather than assuming that a separate address proves disentitlement. [Ambreen Akram, paragraphs 16–20.](#)

For the claimant's account, relevant questions may be:

1. You say you left on the date stated in the plaint?
2. What event immediately preceded your departure?
3. Your evidence identifies that event in this paragraph?
4. Did the later offer of accommodation address the reason you had given for leaving?

For the husband's account, questions may include:

1. Where was the accommodation you say you offered?
2. Was it available during the period in dispute?
3. When and how did you communicate that offer?
4. Did you respond to the complaint identified in this message?
5. What support did you provide during the separation?

The absence of a police complaint is a fact to explore, not an automatic finding that mistreatment did not occur. If the dispute can be resolved through dates, correspondence and accommodation arrangements, avoid unnecessary inquiry into intimate details. The Supreme Court expressly addressed the dignity and privacy concerns associated with making consummation the maintenance test. [Ambreen Akram, paragraph 17.](#)

7 Use records when questions cannot resolve the dispute

Section 15 empowers the Family Court to summon evidence and documents, subject to its statutory conditions. Punjab's section 17A(4) specifically provides for calling relevant documentary evidence to determine the defendant's estate and resources. Identify the applicable territorial text before invoking a particular subsection. [Family Courts Act, section 15; Punjab text, section 17A\(4\).](#)

In *Madiha Sandhu v. Najam us Saqib*, the Islamabad High Court allowed an application to summon bank and pension records to assist the assessment of maintenance for a minor. It required the Family Court to settle the relevant period after hearing the parties. That qualification is useful: a request should identify the record and period needed. [Writ Petition 2807/2022, decided 17 October 2022, paragraphs 7–9.](#)

A focused request should state the disputed financial fact, the custodian, the document sought, the relevant dates and why the existing evidence is insufficient. Salary and allowance records from an identified employer, a relevant account statement, or pension payment details may answer a defined question more effectively than repeated denials in the witness box. Ask for only the financial material necessary to resolve the issue, with appropriate handling of personal information.

8 Put contradictions fairly and preserve the answer

First identify the witness's present account. Then identify the earlier statement or document and the exact difference. Give the witness an opportunity to explain before advancing the contradiction in argument.

An illustrative sequence is:

1. Today you have stated that no payment was received after March?
2. In paragraph 9 of your affidavit, you acknowledge a payment received in April?
3. Is that the paragraph in the affidavit you adopted?
4. What was the April payment for?

Keep the full explanation. A witness may distinguish a maintenance payment from another transaction. Ask the Court to have the material answer and the document reference recorded accurately. An unnecessary repetition may give the witness an opportunity to qualify an admission already obtained.

Put the material contrary version clearly. However, do not present every unanswered suggestion as conclusive proof. In *Moeen Adnan Taj v. Mst. Rabia Arif*, the Islamabad High Court rejected a claim that dower payment stood proved merely because a particular assertion was not challenged in cross-examination; the Court examined the Nikahnama, the denial of receipt and the husband's lack of supporting evidence. [Writ Petition 398/2020, paragraphs 15–18, page 5.](#)

9 A worked example of a short financial examination

Assume, only for illustration, that a husband pleads Rs 45,000 monthly income, an employer record shows Rs 72,000 gross pay, and the claimant seeks Rs 30,000 for a child. There is also a disputed Rs 10,000 bank credit. None of these figures determines the outcome by itself.

Step	Question or inquiry	Purpose
Identify the record	This is the employer record for the month in dispute?	Establish the document and period
Test the difference	It shows gross pay of Rs 72,000 rather than Rs 45,000?	Identify the discrepancy
Examine deductions	Which deductions explain the difference and what supports them?	Distinguish gross pay from available means

Step	Question or inquiry	Purpose
Classify the credit	What is the source of the separate Rs 10,000 credit?	Avoid counting a transfer or loan as salary
Check the child's budget	Which part of Rs 30,000 is tuition and which expenses recur monthly?	Test the requested amount
Reconcile payments	What has already been paid for the same period and purpose?	Identify any credit properly claimed

The resulting submission should give the Court a supported account of resources and expenditure. It should not announce that the child is entitled to a fixed percentage simply because the gross salary has been established. No salary percentage is proposed by this example.

10 Protect the opportunity to cross examine

Preparation has little value if repeated absence results in closure of the opportunity. In *Ameer Hamza Khalid v. Dr. Saffa Tayyaba*, the Islamabad High Court declined to interfere after repeated opportunities, non-appearance and an unexplained delay in challenging closure; counsel's wrong noting of the date did not establish illegality in the order. The result depended on that procedural history. [Writ Petition 1105/2026, decided 9 March 2026, paragraphs 6–9.](#)

Read every interim maintenance order and keep the payment record current. Punjab's section 17A(1) attaches serious defence-striking consequences to default, while other territorial texts require their own examination. A proposed challenge to the amount should not be treated as a stay of the operative direction. [Punjab Family Courts Act, section 17A.](#)

At the end of cross-examination, organise submissions around the findings the Court can make: entitlement and period, supported means, reasonable needs, and proved payments. Identify the evidence supporting each finding and the uncertainty that remains. The quality of the examination will be visible in that final account.

Frequently asked questions

Can a spouse be cross examined in the Family Court

Yes. Section 11 expressly permits cross-examination, subject to the Court's control over improper questions. [Family Courts Act, section 11\(3\).](#)

Does the wife having a job automatically defeat maintenance

No. Her ability to maintain herself from her own resources is not by itself a discharge of the husband's duty. The particular entitlement and financial questions must be addressed separately. [Haseen Ullah, paragraph 9.](#)

Is the same procedure applicable throughout Pakistan

Do not assume identical amended wording. The Ministry-hosted text cited for Punjab expressly extends to Punjab, whereas the Pakistan Code compilation contains different maintenance wording. Check the territorial enactment and the particular court order. [Punjab text, sections 1 and 17A](#); [Pakistan Code compilation, section 17A](#).

Can the Court call financial records

There are statutory document-summoning powers. A focused application should explain the record's relevance and period; Madiha Sandhu illustrates their use for bank and pension evidence. [Family Courts Act, section 15](#); [Madiha Sandhu, paragraphs 7–9](#).

Sources

Legislation

- Family Courts Act 1964, Pakistan Code compilation, particularly sections 11, 15, 17 and 17A. [Official compilation](#).
- Punjab Family Courts Act 1964, Ministry of Law-hosted compilation incorporating Punjab amendments, particularly sections 1 and 17A. Its territorial scope is Punjab. [Official compilation](#).

Case law

- Ambreen Akram v. Asad Ullah Khan, 2026 SCMR 1, Civil Petition 1107-L/2015 with Civil Appeal 247-L/2017, Supreme Court of Pakistan, 11 September 2025. [Judgment text reproduction](#); [Sindh High Court Legal Research Cell bulletin identifying the original judgment, pages 6–7](#).
- Haseen Ullah v. Naheed Begum, PLD 2022 SC 686, Civil Petition 1289/2020, Supreme Court of Pakistan, 23 November 2021. [Judgment text reproduction](#).
- Saleh Muhammad v. Mst. Mehnaz Begum, Civil Petition 354-P/2025, Supreme Court of Pakistan, particularly paragraphs 14–20. [Judgment text reproduction](#).
- Khursheed Ahmed v. Tasmeena Shaikh, Constitution Petition S-263/2021, Sindh High Court, Sukkur Bench, 14 October 2022, particularly paragraphs 9–11. [Official court text](#).
- Madiha Sandhu v. Najam us Saqib, Writ Petition 2807/2022, Islamabad High Court, 17 October 2022, paragraphs 7–9. [Official judgment](#).
- Moeen Adnan Taj v. Mst. Rabia Arif, Writ Petition 398/2020, Islamabad High Court, particularly paragraphs 15–18. [Official judgment](#).
- Ameer Hamza Khalid v. Dr. Saffa Tayyaba, Writ Petition 1105/2026, Islamabad High Court, 9 March 2026, paragraphs 6–9. [Official order](#).

The model questions and worked figures are original illustrations for preparation, not quotations from a judgment or findings about any actual litigant. Use only questions supported by the particular brief. Legal positions checked on 29 October 2026.