

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No.S-1360 of 2025

[Sahib Ullah v. Mst. Shireen Bano and others]

DATE	ORDER WITH SIGNATURE OF JUDGE.
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1. For orders on CMA No.8587/2025 (If granted).
2. For orders on office objection No.3 & 4 a/w reply of counsel as at "A".
3. For hearing of CMA No.8588/2025 (Exemption).
4. For hearing of main case.

Mr. Qazi Hifzur Rahman, Advocate for the Petitioner.

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Date of hearing : 30.01.2026

Abdul Hamid Bhurgri, J.- Through the instant constitutional petition, the petitioner has impugned the judgment and decree dated 29.08.2024 passed by the learned XXVth Civil & Family Judge, Karachi East, in Family Suit No.1664 of 2023, whereby the marriage between the parties was dissolved by way of Khula. The petitioner has further assailed the judgment dated 17.10.2025 passed by the learned IIInd Additional District & Sessions Judge, Karachi East, in Family Appeal No.319 of 2024, whereby the appeal was dismissed and the judgment and decree passed by the learned Trial Court were maintained. Hence, the petitioner has filed the present petition against the concurrent findings of the two courts below.

2. The case of the petitioner is that both the courts below have erred in law and facts while decreeing the suit filed by respondent No.1/plaintiff. He submits that although the dowry articles were allegedly returned to respondent No.1, such fact was not properly appreciated by the courts below. It is further contended that the learned Trial Court awarded maintenance to respondent No.1 at the rate of Rs.4,000/- per month from April 2023 till the expiry of iddat period, which was also maintained by the appellate court. Being aggrieved, the petitioner has filed the present petition.

3. Learned counsel for the petitioner submits that both the courts below have erred in law by ignoring the evidence on record, particularly the alleged admissions of respondent No.1 regarding the gold ornaments worn by her at the time of marriage, as reflected in her cross-

examination. He contends that the judgments and decrees are the result of non-reading and misreading of evidence. He further submits that respondent No.1 admitted that the dower amount was not purchased by the petitioner in the shape of gold, yet she acknowledged wearing gold ornaments such as bracelets, earrings, and other items at the time of marriage. It is also argued that respondent No.1 neither verified the genuineness of the ornaments nor lodged any complaint alleging that the same were fake or artificial. Learned counsel submits that these admissions clearly establish payment of the dower amount. He further submits that the petitioner examined three witnesses whose evidence remained unshaken during cross-examination but was not properly considered by the courts below. On these grounds, he prays that both the impugned judgments be set aside.

4. Heard learned counsel for the petitioner and perused the available record.

5. It is a settled principle of law that after the statutory remedy of appeal provided under the family laws is exhausted, no further appeal lies, and the legislative intent is to bring finality to family litigation at the appellate stage. The filing of the present constitutional petition is, therefore, an attempt to circumvent the express intent of the legislature. It is equally well-settled that in exercise of constitutional jurisdiction under Article 199 of the Constitution, this Court does not act as a court of appeal nor can it reappraise or reassess the evidence merely because a different view is possible.

6. It is also well-established that concurrent findings of fact recorded by the courts below, particularly in family matters, carry great sanctity and are not liable to be interfered with unless shown to be perverse, arbitrary, or based on no evidence. Mere alleged misreading or non-reading of evidence, without demonstrating material illegality or jurisdictional defect, does not furnish a valid ground for interference in constitutional jurisdiction. Reliance is placed on the case of ***M. Hamad Hassan v. Mst. Isma Bukhari and others (2023 SCMR 1434)***.

7. In the present case, the learned Trial Court as well as the appellate court have passed detailed, well-reasoned judgments after appreciating the oral and documentary evidence available on record. The petitioner has failed to point out any jurisdictional error, material

irregularity, or perversity warranting interference by this Court. The findings recorded are neither arbitrary nor capricious and are fully supported by the evidence on record and settled principles of family law.

8. Accordingly, this constitutional petition, being devoid of merit, is hereby dismissed in *limine* along with all pending applications, if any.

JUDGE

Ayaz Gul