

IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.S-307 of 2026

Muhammad Shariq
Versus
Mst. Mahwish Hanif & another

DATE	ORDER WITH SIGNATURE OF JUDGE(s)
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Date of Hearing: 21.05.2026.

Date of Order: 17.08.2026.

Date of announcement: 24.08.2026.

Mr. Syed Muhammad Abid Ali Qadri, Advocate for Petitioner.
Respondent No.1 Mst. Mehwish Hanif present in person.

ORDER

ZULFIQAR ALI SANGI, J: Through the instant Constitutional Petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner has called in question the legality and propriety of the Judgment and Decree dated 25.02.2026 passed by the learned 12th Additional District & Sessions Judge, Karachi South, whereby Family Appeal No.20 of 2025 preferred by the petitioner was dismissed and the Judgment and Decree dated 25.11.2024 passed by the learned XIX Family Judge, Karachi South, in Family Suit No.540 of 2023 were maintained.

2. Briefly stated, respondent No.1/plaintiff instituted Family Suit No.540 of 2023 seeking dissolution of marriage through Khula, recovery of dowry articles or their alternate value, recovery of past maintenance for herself, past and future maintenance for the minor son with annual enhancement, delivery and medical expenses and other ancillary reliefs. It was pleaded that the marriage between the parties was solemnized on 06.01.2015 against dower of Rs.5,000/-, which remained unpaid, and out of the wedlock one son was born. It was further averred that at the time of rukhsati her parents had provided dowry articles worth approximately Rs.600,000/-, which remained in the custody of the petitioner. She alleged that the petitioner neglected to maintain her, subjected her to ill-treatment and ultimately left her at her parental home in July, 2022. It was further asserted that the petitioner had contracted a second marriage and possessed sufficient financial means,

including employment as a lecturer, ownership of an academy and rental income.

3. The petitioner contested the suit by filing written statement, denying the allegations. He asserted that the respondent had already taken some of the dowry articles while the remaining articles were available for return. He further contended that the delivery and medical expenses had been borne by him, that the gold ornaments were already in possession of respondent No.1, and that his monthly salary was only Rs.26,000/-. It was further pleaded that he had continuously paid maintenance through bank transactions and cash and expressed willingness to resume cohabitation with respondent No.1.

4. After failure of reconciliation proceedings, the learned Family Court passed preliminary decree dissolving the marriage by way of Khula and fixed interim maintenance for the minor. Thereafter, issues were framed regarding entitlement to dowry articles, maintenance, delivery and medical expenses and consequential relief.

5. Both parties adduced oral as well as documentary evidence and were duly cross-examined. Upon appreciation of the evidence, the learned Family Judge decreed the suit partially by awarding respondent No.1 maintenance at the rate of Rs.12,000/- per month from October, 2022 till expiry of Iddat period, maintenance for the minor at the rate of Rs.20,000/- per month with effect from October, 2022 till legal entitlement with annual enhancement of 10%, Rs.30,000/- annually towards books and uniform of the minor, alternate depreciated value of dowry articles amounting to Rs.120,000/- (excluding gold ornaments) and medical expenses amounting to Rs.78,356/-.

6. Feeling dissatisfied, the petitioner preferred Family Appeal No.20 of 2025, which came to be dismissed by the learned Appellate Court vide Judgment dated 25.02.2026 after affirming the findings recorded by the learned Family Court.

7. Learned counsel for the petitioner contended that both the Courts below failed to appreciate the evidence in its true perspective. It was argued that respondent No.1 herself admitted receipt of maintenance amounting to Rs.49,500/- and the petitioner had been regularly paying maintenance pursuant to interim orders. It was further submitted that the petitioner had established through salary slip that his monthly income was merely Rs.26,000/-, whereas respondent No.1 utterly failed

to prove her allegation that he was earning Rs.350,000/- per month. It was further argued that the award of maintenance, annual educational expenses, alternate value of dowry articles and medical expenses is excessive, arbitrary and unsupported by evidence. Learned counsel further submitted that both Courts below ignored material contradictions regarding dowry articles and wrongly drew adverse inference against the petitioner. He lastly submitted that the concurrent judgments suffer from patent illegality and material irregularity warranting interference by this Court in exercise of constitutional jurisdiction.

8. Conversely, respondent No.1 supported the impugned judgments and submitted that both the Courts below have concurrently appreciated the entire evidence in accordance with law and recorded findings of fact after proper evaluation of the material available on record. It was argued that no jurisdictional defect, illegality or perversity has been pointed out by the petitioner so as to justify interference under Article 199 of the Constitution.

9. I have heard learned counsel for the parties at considerable length, carefully examined the record and have also gone through the impugned judgments.

10. Before advertng to the merits of the controversy, it would be advantageous to reiterate the settled principles regulating the constitutional jurisdiction of this Court. It is by now well settled that Article 199 of the Constitution does not confer appellate jurisdiction upon the High Court. Constitutional jurisdiction is supervisory in nature and can only be exercised where the impugned order suffers from jurisdictional defect, patent illegality, and procedural impropriety, violation of law, perversity or misreading/non ^{or} reading of material evidence. Concurrent findings of fact recorded by competent Courts are ordinarily immune from interference unless shown to be arbitrary, capricious or based upon no evidence.

11. The principal grievance of the petitioner pertains to the quantum of maintenance awarded by the learned Family Court. The record reflects that although the petitioner asserted that his monthly salary was Rs.26,000/-, the only document produced in support thereof was a handwritten salary slip. During cross-examination, the petitioner candidly admitted that the salary slip was not computerized and further admitted that despite receiving salary through his bank account, he had

not produced any bank statement before the Court. He also failed to examine any representative of his alleged employer or any independent witness to substantiate his asserted income.

12. It is now firmly settled law that in matters concerning maintenance, the husband is under a legal obligation to disclose his true present and past earnings and, where he deliberately withholds the best available evidence regarding his income, an adverse inference is liable to be drawn against him. The learned Family Court, while relying upon the dictum laid down in PLD 2018 SC 819, rightly concluded that the petitioner had concealed his actual financial status. The learned Appellate Court independently examined the same aspect and concurred with the said finding after assigning cogent reasons. No illegality has been pointed out in such reasoning.

13. It is equally settled that maintenance is not to be determined merely on the basis of the salary asserted by the husband but also with reference to his overall financial capacity, social status, standard of living and the reasonable requirements of the wife and minor child. The Court is required to ensure that the wife and child are maintained in a manner commensurate with the status enjoyed by the husband. In the prevailing economic circumstances, the maintenance awarded by the learned Family Court cannot by any stretch of imagination be termed excessive or unconscionable, particularly when the petitioner failed to discharge the burden of candidly disclosing his financial resources.

14. The objection regarding annual educational expenses of Rs.30,000/- for books and uniform is equally misconceived. The record establishes that the minor is a school-going child. Educational expenses are an integral component of maintenance, and the amount awarded by the learned Family Court appears to be reasonable and fully justified in the prevailing circumstances. No legal infirmity is found in such direction.

15. So far as the alternate value of dowry articles is concerned, both the Courts below have thoroughly examined the evidence produced by the parties. The learned Family Court declined the claim relating to gold ornaments after finding the receipts unreliable and unsupported by independent evidence, thereby demonstrating impartial appreciation of the evidence. However, regarding the remaining dowry articles, the petitioner failed to establish by any reliable evidence that respondent No.1 had already removed the articles from the matrimonial home.

Neither the petitioner neither examined any independent witness nor disclosed the particulars of the alleged occasion on which such articles were taken away. On the contrary, the learned Family Court assessed only the depreciated value of commonly used household articles and awarded merely Rs.120,000/- against the original claim of Rs.600,000/-. The learned Appellate Court has affirmed these findings after proper discussion. Such concurrent findings, based upon evidence, cannot be re-opened in constitutional jurisdiction.

16. Likewise, with regard to medical and delivery expenses, respondent No.1 produced documentary evidence in the shape of medical bills and receipts. Although the petitioner alleged that he had incurred such expenses, he failed to establish by convincing evidence that the bills produced by respondent No.1 had already been paid by him. The learned Family Court awarded only the amount duly supported through documentary evidence, namely Rs.78,356/-, and not the entire amount claimed in the plaint. Such finding is also based upon appreciation of evidence and does not suffer from any legal infirmity.

17. Learned counsel for the petitioner repeatedly argued that respondent No.1 had failed to prove the allegation that the petitioner was earning Rs.350,000/- per month. This contention, however, loses significance because neither of the Courts below accepted such assertion as proved. Rather, both Courts independently examined the evidence produced by the petitioner himself and concluded that he had failed to disclose his actual earnings. The maintenance awarded was therefore not based upon the alleged income of Rs.350,000/- but upon the adverse inference legitimately drawn from the petitioner's deliberate non-disclosure of his financial status.

18. It is also pertinent to observe that the learned Family Court has² carefully evaluated every issue separately and granted only such relief as was supported by evidence. The claim regarding gold ornaments was declined; the claim regarding dowry was substantially reduced by awarding only depreciated value; the claim regarding medical expenses was confined to the proved amount; and maintenance was fixed after considering all attending circumstances. The learned Appellate Court independently reassessed the entire material and concurred with the findings of the learned Family Court by assigning sound and convincing

reasons. Thus, both the judgments are well-reasoned speaking judgments.

19. No instance of misreading or non-reading of material evidence has been demonstrated before this Court. Likewise, no jurisdictional defect, procedural illegality, violation of any mandatory provision of law or perversity in appreciation of evidence has been pointed out. The submissions advanced by the petitioner merely invite this Court to reappraise the evidence and substitute its own conclusions for those concurrently recorded by the Courts below. Such exercise is clearly beyond the scope of constitutional jurisdiction under Article 199 of the Constitution.

20. It is a settled proposition of law that concurrent findings of fact recorded by competent Courts, particularly Family Courts, cannot be interfered with in constitutional jurisdiction merely because another view may also be possible. Unless such findings are shown to be wholly perverse, arbitrary, based upon no evidence or suffering from patent illegality, interference is not warranted.

21. For the foregoing reasons, I am of the considered view that the impugned Judgment and Decree dated 25.11.2024 passed by the learned XIX Family Judge, Karachi South, as well as the appellate Judgment and Decree dated 25.02.2026 passed by the learned 12th Additional District & Sessions Judge, Karachi South, are based upon proper appreciation of evidence and correct application of law. The petitioner has failed to point out any jurisdictional defect, illegality or perversity warranting interference by this Court in exercise of constitutional jurisdiction.

22. Consequently, this Constitutional Petition being devoid of merit is **dismissed**. The impugned Judgment and Decree dated 25.02.2026 passed by the learned Appellate Court and the Judgment and Decree dated 25.11.2024 passed by the learned Family Judge are hereby **maintained**.

JUDGE