

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P No.S-260 of 2023

Order with signature of Judge(s)

Hearing of case

1. For orders on office objection
2. For hearing of CMA No.2021/2023
3. For hearing of main case

19.03.2024

Attorney Syed Nasim Ahmed is present in person
Syed Murtaza Haider, Advocate for Respondent No.1

Justice Zulfiqar Ahmad Khan:- Even today the petitioner is present in person and states that his counsel is unavailable. This Court time and again has given opportunity to the attorney of the petitioner, which he and his counsel has failed. Today, he has filed statement showing various payments made by the petitioner during the pendency of Nikkah. Except for first entry of Canadian dollar of 5,000/-, which the respondent has admitted having been provided to her as part of dower, remaining entries are usual expenses and the gifts required by a wife to maintain herself and the household during existence of her marriage. He states that there was an understanding that these small incremental payments will amount to dower, however he is unable to show any documents where such understanding was recorded. This is established position of law¹ that these occasional small amounts do not account for dower, and these were the grounds on the basis of which trial court as well as appellate court has already dismissed petitioner's claim. I do not see any illegality in the impugned judgments.

Petition is dismissed with the cost of Rs.15,000/- payable towards the clinic of the High Court of Sindh.

JUDGE

B-K Soomro

¹ Major Muhammad Khalid Karim v. Mst. Saadia Yaqoob (PLD 2012 SC 66), Ejaz Naseem v. Fareeha Ahmad (2009 SCMR 484), Shamim Akhtar v. District Judge (2016 MLD 242), Muhammad Akram v. Hajra Bibi (PLD 2007 Lah. 515), Syed Mukhtar Hussain Shah v. Mst. Saba Imtiaz and others (PLD 2011 SC 260), Taimoor Aslam Satti v. Mst. Aalia Bibi (2016 YLR 765), Mst. Nomial Zia v. Adnan Riaz (2014 CLC 87), Dawlance United Refrigeration Industries Private Ltd. v. Muhammad Asim Chaudhry (PLD 2016 Lahore 425), Abdul Sattar v. Chairman Railways (2011 YLR 1033), Gul Sher v. Maryam Sultana (2011 YLR 1000), Tariq Mehmood v. Farah Shaheen (2010 YLR 349) and Muhammad Nawaz v. Mst. Abida Bibi (2010 MLD 352).