

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

Date	Order with Signature of Judge
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**C.P. No.S-1314 of 2024**

*Mst. Naila Bano & another* .....*Petitioners*

*Versus*

*Learned VIIIth ADJ, Karachi South and others*.....*Respondents*

Date of hearing: 12.05.2025

Date of Order: 12.05.2025

Mr. Zahid Farooq, Advocates for the Petitioners.  
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**O R D E R**

Instant petition has been preferred against the order dated 03.10.2024 passed by the learned Appellate Court in Family Appeal No.163 of 2024. The said Family Appeal emanated from the order dated 19.08.2024, which was passed on an application filed by the learned counsel for the Petitioners under Section 152 CPC for correction of the judgment and decree.

2. Learned counsel for the Petitioner has invited my attention to the decree passed in his favour by the learned trial Court in Family Suit No.385 of 2024. Learned counsel has more particularly invited my attention to the last page of the judgment in which it has been observed that “In my opinion, the plaintiff is entitled to recover the dowry articles as mention in the list except gold ornaments”. Thereafter, learned counsel for the Petitioner has invited my attention to the decree dated 30.05.2024, relevant portion is as follows:-

“The plaintiff is entitled to recover the dowry articles as mentioned in the list except electronic items and gold ornaments.”

Learned counsel for the Petitioner in light of above has stated that there is discrepancy between the judgment passed by the Hon’ble Family Court and the

decree passed thereon. Learned counsel in this respect has preferred an application under Section 152 CPC and the same was allowed vide order dated 19.08.2024. Learned counsel stays that despite the said application being allowed, the correction which was made by the learned Family Judge was not in accordance with the judgments of the Courts below. Thereafter, he stated that he has filed above mentioned appeal, which was dismissed on technical ground of limitation.

3. Instant petition was filed on 11.11.2024 and was initially taken up on 14.11.2024. Thereafter, it was taken up on 09.12.2024, 13.01.2025 and 19.04.2025 and Notices were repeated on the Respondents successively. It is apparent that the Respondents have not affected appearance before this Court and even otherwise the judgment passed by the trial Court as well as Family Appeal was ex-parte and the Respondents failed to affect appearance.

4. I have heard the learned counsel appearing on behalf of the Petitioner and have perused the record, the contention of the learned for the Petitioner is correct. The judgment is not in consonance with the decree, which was passed by the Hon'ble trial Court, the application of the Petitioner filed under Section 152 CPC is hereby allowed, the judgment to read as follows:-

“The plaintiff is entitled to recovery of dowry articles as mentioned in the list except gold ornaments”

Accordingly, instant petition is allowed in the above terms.

Judge

Nadeem