

**IN HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD**

C.P. No.S-230 of 2026

[Waryam v. Mst. Rizwana]

1. For order on MA No.792/2026.
2. For order on office objection.
3. For order on MA No.793/2026.
4. For hearing of main case.

Petitioner : Waryam through Mr. Shahed
Mirbahar, Advocate.

Respondents : Nil.

Date of Hearing : 04.05.2026

Date of Decision : 04.05.2026

ORDER

RIAZAT ALI SAHAR. J. - The petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, assailing the judgment dated 25.03.2026 passed by the learned Additional District Judge-V, Hyderabad in Family Appeal No.169/2024, whereby the appeal filed by the petitioner was dismissed and the judgment and decree dated 10.09.2024 passed by the learned Family Judge-VIII, Hyderabad in Family Suit No.1709/2023 were maintained. Through the impugned judgments, respondent No.1 was held entitled to recovery of dower amount, maintenance for herself and minors and dowry articles or their alternate value. The petitioner seeks setting aside of the concurrent findings recorded by the Courts below on the grounds of alleged misreading and non-reading of evidence, lack of proper appreciation of facts and law, and jurisdictional illegality.

2. The background of the case is that respondent No.1 instituted Family Suit No.1709/2023 before the learned Family Judge-VIII, Hyderabad for recovery of dower amount, dowry articles and maintenance for herself and three minor children born out of the wedlock. It was stated that the marriage between the parties was solemnized according to Islamic injunctions and dower was fixed at Rs.50,000/-, while various dowry articles were also given at

the time of marriage. The respondent further alleged maltreatment and failure on the part of the petitioner to maintain her and the minors. The petitioner contested the suit by filing written statement, wherein he admitted the relationship and paternity of minors but denied the remaining allegations and asserted that the respondent had left the matrimonial home without lawful justification. After recording evidence of both sides, the learned Family Judge decreed the suit partly vide judgment dated 10.09.2024 by awarding dower amount of Rs.5,000/-, maintenance to the respondent at the rate of Rs.4,000/- per month till subsistence of marriage, maintenance to the three minors at the rate of Rs.4,000/- each per month with annual increase, and Rs.75,000/- as alternate value of dowry articles. The appeal preferred by the petitioner was dismissed by the learned Additional District Judge-V, Hyderabad through judgment dated 25.03.2026, maintaining the decree of the trial Court.

3. Learned counsel for the petitioner contended that the impugned judgments suffer from misreading and non-reading of evidence and have been passed without lawful justification. He contended that the respondent failed to produce any independent evidence or documentary proof regarding alleged dowry articles, yet the Courts below illegally granted alternate compensation in her favour. Learned counsel further contended that the petitioner is a labourer of limited means and the maintenance awarded is excessive and beyond his financial capacity. He also contended that proper opportunity to produce evidence was not afforded to the petitioner and the learned trial Court decided the matter in a hurried manner without examining relevant witnesses, including witnesses of Nikah. Lastly, it he contended that the concurrent findings recorded by the Courts below are based upon conjectures and assumptions, therefore, liable to be set aside in constitutional jurisdiction.

4. I have heard learned counsel for the petitioner and perused the material available on record with his able assistance.

5. The record reflects that both the learned Family Court as well as the learned appellate Court have concurrently examined the pleadings, evidence and attending circumstances of the case before recording findings in favour of respondent No.1. The

relationship between the parties and paternity of the minors were admittedly not disputed by the petitioner. The learned trial Court, after framing proper issues, afforded opportunity to both sides to lead evidence and thereafter decreed the suit partly on the basis of evidence available on record. The contention of the petitioner regarding non-proof of dowry articles carries little substance. The learned Courts below have concurrently observed that the dowry articles claimed by respondent No.1 were ordinary household articles commonly given to a bride at the time of marriage in accordance with prevailing social customs and traditions. The petitioner failed to produce any convincing rebuttal evidence to dislodge the claim of the respondent regarding entrustment of dowry articles.

6. Similarly, with regard to maintenance, the petitioner admittedly being husband and father of the minors is under legal as well as moral obligation to maintain his wife and children in accordance with his means. The amount awarded by the learned Family Court cannot by any stretch of imagination be termed excessive or arbitrary, particularly in view of prevailing inflation and rising expenses relating to food, clothing, education and medical treatment. The Courts below have already awarded maintenance at a considerably reduced rate as compared to the claim set up in the plaint.

7. The argument that proper opportunity was not afforded to the petitioner is also not borne out from the record. The proceedings before the learned Family Court demonstrate that the petitioner participated in trial proceedings, filed written statement, produced evidence and was duly heard before the judgment was rendered. No procedural illegality or denial of fair opportunity has been pointed out which may vitiate the proceedings.

8. It is by now well settled that constitutional jurisdiction under Article 199 of the Constitution is supervisory in nature and cannot be exercised as a substitute for regular appellate or revisional jurisdiction. This Court, while exercising constitutional jurisdiction, does not ordinarily interfere with concurrent findings of fact recorded by the Courts below unless the same are shown to be suffering from patent illegality, jurisdictional defect, perversity,

misreading or non-reading of material evidence resulting in grave miscarriage of justice. Mere possibility of another view on appraisal of evidence is not sufficient ground for interference in writ jurisdiction. In the present case, the petitioner has failed to point out any jurisdictional defect, material irregularity, procedural illegality or perversity in the impugned judgments warranting interference by this Court. The findings recorded by both the Courts below are based upon proper appreciation of evidence and settled principles of law. The impugned judgments are neither arbitrary nor capricious and do not suffer from any legal infirmity.

9. For what has been discussed above, I find no merit in the instant Constitutional Petition, the same is **dismissed in limine** along with all pending applications with no order as to costs.

JUDGE