

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Constitutional Petition No.S-248 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
1.	For order on office objection.
2.	For hearing of M.A No. 966/ 2025.
3.	For hearing of main case.

12-10-2026.

Mr. Bilal Ahmed Rajput advocate for the petitioner.

Mr. Dilawar Hussain Panhwer advocate for respondent No.3.

Mr. Harish Chander, A.A.G.

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NISAR AHMED BHANBHRO, J: This Constitutional Petition is preferred against the concurrent findings rendered by learned Additional District Judge-II, Tando Adam in Family Appeal No. 15/ 2025 Re: *Muhammad Saqib vs. Mst. Iqra Bano*, whereby the Appeal filed by the petitioner was dismissed vide judgment and decree dated 01-08-2025 and the judgment and decree dated 28-03-2025 passed by learned Family Judge-I, Tando Adam in Family Suit No. 81/ 2024 Re: *Mst. Iqra Bano and another vs. Muhammad Saqib* was maintained.

2. The suit of the respondent No.3 was decreed in the following manner:

“Thus, in view of what has been discussed hereinabove, Plaintiff No.1 is entitled for maintenance of Rs.30,000/= for Iddat period. Plaintiff No.1 is also entitled for return of remaining essential dowry articles as per dowry articles list, however, she is not entitled for return of gold ornaments. Plaintiff No.1 is also entitled for medical and delivery expenses of Rs.75,000/= and she/ plaintiff No.1 is entitled for maintenance at the rate of Rs.10,000/= per month from August, 2020 till pronouncement of divorce. Minor Muhammad Shahzain is also entitled for maintenance at the rate of Rs.5000/= per month from the month of December, 2020 till his legal entitlement with annual enhancement of 20% from the date of Judgment and Decree of this Court. The suit of plaintiff No.1 is partly decreed with no order as to costs. Office is directed to prepare such decree.”

3. Learned counsel for the petitioner contended that respondent No.3 failed to prove the expenses, incurred on delivery so also she has failed to produce list of dowry articles and receipts. He further contended that

respondent No.3 failed to produce any witness in support of her case, therefore, the judgment(s) rendered by the learned courts below suffered from misreading, non-reading of the evidence and is a fit case for interference by this court under writ jurisdiction.

4. Learned counsel for the respondent No.3 contended that the learned courts below after full-fledged trial and appraisal of the evidence passed judgments, which do not warrant interference of this court under writ jurisdiction as this court cannot re-appraise the evidence and cannot disturb the concurrent findings rendered by learned courts below, therefore, he prayed for dismissal of instant petition.

5. Heard arguments and perused the record. From perusal of record it transpires that suit of the respondent No.3/ plaintiff was partly decreed. She was declined relief for return of gold ornaments; however, she was allowed to receive dowry articles as per list. She was also held entitled for delivery expenses of Rs.75,000/= so also maintenance amount of Rs.10,000/= per month from August, 2020 till pronouncement of divorce and minor Shahzain (respondent No.4) was also granted maintenance at the rate of Rs.5000/= per month from the month of December, 2020 till his legal entitlement with 20% annual enhancement from the date of judgment and decree of learned trial court. The learned trial court has passed the impugned judgment after proper appraisal of evidence led by the parties. No illegality has been pointed out in the findings excepting that no material is brought on record that the amount of Rs.75,000/= was incurred on account of her maternity. Moreover, respondent No.3 in her evidence has also admitted that she has not produced any evidence demonstrating that she paid Rs.75,000/= to the hospital on account of maternity charges. When confronted learned counsel for the respondent No.3 conceded such fact and submitted that usual maternity charges including expenses for minor in an average hospital of Tando Adam were around Rs.50,000/= in year 2020, therefore, he conceded to modify the judgment of courts below to the affect by reducing the amount of delivery expenses from Rs. 75,000/= to Rs. 50,000/= .

6. In view of forgoing reasons, instant Constitutional Petition alongwith listed pending application is disposed of. Concurrent findings of courts below to

the extent of maternity expenses is modified and reduced to Rs. 50,000/= instead of Rs. 75,000/=.

Office is directed to send copy of this order to learned trial court for information and compliance.

JUDGE

Saleem

