

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

IInd Appeal No. 82 of 2025

Mst. Zaheer Khatoon

Vs.

Mst. Ameena

1. For orders on office objection No.14.
2. For hearing of CMA 1744/2025.
3. For orders on CMA 1745/2025.
4. For hearing of main case.

Date of hearing: 23.10.2025.

Date of Order: 23.10.2025.

Date of reasons: 17.10.2026.

Mr. Agha Ghulam Abbas, Advocate for appellant.

ORDER

JAWAD AKBAR SARWANA, J: This IInd Appeal has been filed by Mst. Zaheer Khatoon wife of late Altaf Hussain who is aggrieved by the judgments passed by two lower forums dated 08.05.2025 and 09.01.2025.

2. Counsel submits that the impugned judgments are defective as Mst. Zaheer Khatoon alone was the wife of deceased Altaf Hussain when her husband died in the year 2000. Counsel contends that this was witnessed by Talaqnama which was produced in evidence however, the trial Court did not appreciate the same. Yet he concedes that the talaqnama did not have the witnesses which was mandatory to prove that the divorce was valid. The burden of proof regarding Talaqnama of Mst. Ameena was on the appellant Mst. Zaheer Khatoon who claimed that Mst. Ameena was actually divorced. Counsel submitted that he had moved an application before the trial Court to record evidence of witnesses to Talaqnama but the learned trial Court dismissed it and therefore, the witnesses could not depose. However, the

Counsel has not filed any such application before this Court nor has he articulated this point in appeal nor is this fact/ground agitated before the 1st appellate forum.

3. It appears that this is the case of two spouses competing for inheritance of their deceased husband based on the judgment and order available in the 2nd appeal. It appears that initially Mst. Ameena had filed a suit wherein she had claimed that she was married to the deceased but had not impleaded the second wife of her deceased husband Mst. Zaheer Khatoon. Thereafter, the record reflects that Mst. Zaheer Khaton filed an application u/s 12(2) CPC which was allowed and Mst. Zaheer Khatoon was arrayed as a defendant in the judgment. Thereafter, a full trial was conducted and each side produced witnesses and were given opportunity to prove their claims / counter claims against each other. Appellants grievance is only to the extent that Mst. Ameena was divorced and based on the material on record, I do not find that she has made out a case in this IInd appeal. I have also read the trial Court's judgment dated 09.01.2025 and the appellate Court's judgment dated 08.05.2025 and find that the same are well reasoned and do not have any irregularity or demonstrate any misreading of evidence to set aside the same given the appellants challenge remained in this IInd appeal.

4. Given the above, the impugned Judgment does not merit any interference and the trial and appellate Court Judgments passed herein below are sustained and the IInd Appeal stands dismissed alongwith listed applications.

JUDGE

Tufail