

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No.S-57 of 2026
[Mehtab Ahmed Soomro vs. Mst. Maryam and others]

Petitioner : Mehtab Ahmed Soomro, *Through*
Mr. Asif Ali Soomro, Advocate

Respondent No.1 to 7 : Mst. Maryam and others, through
Mr. Asif Ali Rajput, Bhatti, Advocate.

Respondent No.8 : Government of Sindh, through
Mr. Israr Ahmed Shah, Assistant
Advocate General.

Date of hearing : 18.05.2026

Date of decision : 18.05.2026

ORDER

ALI HAIDER 'ADA' J.- Through this petition, the petitioner, being aggrieved and dissatisfied with the judgment dated 06.02.2026 and decree dated 13.02.2026 passed by the learned IInd Additional District Judge, Sukkur in Family Appeal No.49 of 2025, titled *Mst. Mariyam & others v. Mehtab Ahmed*, whereby the learned appellate Court modified the judgment and decree dated 30.08.2025 passed by the learned Family Judge, Sukkur in Family Suit No.118 of 2024 titled *Mst. Mariam & others v. Mehtab Ahmed*, has assailed the same through the instant petition.

2. The facts of the case are that the respondents instituted a suit for maintenance and recovery of dowry articles before the learned Family Judge, Sukkur, praying therein for issuance of directions against the petitioner to pay Rs.150,000/- as maintenance to the respondent-wife during the period of Iddat; Rs.15,000/- per month for each minor till attaining majority with 20% annual increase; marriage expenses of the minor daughters being the father thereof; past maintenance at the rate of Rs.15,000/- per month from the date

of marriage; and return of dowry articles including golden ornaments.

3. Upon service, the petitioner/defendant filed his written statement. After completion of codal formalities as provided under the law, issues were framed, and after recording of evidence, the learned trial Court vide judgment and decree dated 30.08.2025 partly decreed the suit. It was held that the respondent/plaintiff was not entitled to past maintenance; however, she was held entitled to Iddat maintenance at the rate of Rs.50,000/- for a period of three months. She was further held entitled to dowry articles, including almirah, cot etc., or in the alternative their value assessed at Rs.100,000/-, whereas the claim regarding gold ornaments was dismissed. The claim for marriage expenses of minors was also dismissed.

4. The said judgment and decree were assailed before the learned IInd Additional District Judge, Sukkur through Family Appeal No.49 of 2025, wherein the appellate Court vide judgment dated 06.02.2026 and decree dated 13.02.2026 modified the judgment passed by the learned trial Court.

5. Learned counsel for the petitioner argued that the learned appellate Court has not properly appreciated the evidence adduced by the respondents, which according to him is contradictory in nature. He further submits that the petitioner has been paying maintenance in accordance with the judgment of the Family Court; however, the respondent has not accepted the same with regard to maintenance. He prayed that the impugned judgment dated 06.02.2026 and decree dated 13.02.2026 passed by the learned IInd Additional District Judge, Sukkur, in Family Appeal No.49 of 2025, titled *Mst. Mariam & others v. Mehtab Ahmed*, be set aside. He further prayed for an interim order restraining the trial Court from taking any coercive action against the petitioner. He placed reliance upon the case reported as 2024 YLR 1451, 2025 SCMR 739, 2016 MLD 425, and PLD 2009 SC 760.

6. Conversely, learned counsel for respondents No.1 to 7 submitted that the learned appellate Court has rightly passed the impugned judgment and decree, which suffers from no illegality or material irregularity. He contended that the same warrants no interference by this Court and may kindly be upheld in the circumstances of the case. In support of his contentions, he relied upon case law reported as 2023 SCMR 1434 (a) & (b), 2023 SCMR 413 (a) & (c), and 2024 SCMR 1642 (b) & (d).

7. Heard arguments advanced by learned counsel for the parties and perused the material available on record.

8. First of all, it has been observed that the petitioner is a Government employee in BPS-17. As per the salary slip of the year 2024, his monthly income was reflected to be more than Rs. 150,000/-, and presently, it is stated to have further increased. In such circumstances, the maintenance amount as modified by the learned appellate Court, i.e. Rs.12,000/-, Rs.8,000/-, Rs.7,000/- and Rs.6,000/- for the dependents, appears to be reasonable, just and proper. No illegality or material irregularity has been pointed out in the said determination, nor any plausible justification has been furnished to interfere with the same.

9. The issue of maintenance has consistently been settled by the superior Courts in a number of pronouncements. Reliance is placed upon *Mst. Farah Naz v. Judge Family Court, Sahiwal* (PLD 2006 SC 457), *Bushra Qasim v. Abdul Rasheed* (1993 CLC 2063), *Shagufta Bibi v. Amanat Ali* (2018 YLR 645), and *Muhammad Sharif v. Additional District Judge* (2007 SCMR 49).

10. So far as the claim of dowry articles is concerned, it is equally a vested and enforceable right of the wife. In this regard, reliance is placed upon the case of *Muhammad Sajid v. Mst. Shamsa Asghar and others* (PLD 2025 SC 461), wherein it has been held that all property given to the bride as dowry, bridal gifts, or presents vests absolutely in her. The use of the expression "shall vest absolutely" confers

exclusive and unqualified proprietary rights upon the bride, thereby excluding any adverse claim by the husband or his relatives. Further reliance is placed upon *Shafqat Ali v. Mst. Zaib-un-Nisa and others* (2026 SCMR 494).

11. Keeping in view the aforesaid facts and circumstances of the case, it is observed that no illegality, irregularity, or jurisdictional defect has been pointed out which may justify interference with the enhancement of maintenance awarded by the learned appellate Court. The maintenance amounts determined by the appellate Court appear to be reasonable, justified, and in accordance with the financial capacity of the petitioner as well as the settled principles of law governing maintenance matters. However, as far as the direction regarding 20% annual increase in maintenance is concerned, the same appears to be on the higher side in the facts and circumstances of the present case. Accordingly, the said part of the impugned judgment is modified to the extent that instead of 20% annual increase, there shall be 10% annual increase in the maintenance amount. Resultantly, except for the above limited modification, no ground is made out to interfere with the impugned judgment and decree passed by the learned appellate Court. The instant constitutional petition, being devoid of merit, is accordingly dismissed in the above terms.

JUDGE