IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Constitution Petition No. S-38 of 2026

Petitioner	:	Sameer son of Ali Akbar through Mr. Hassan Qaiser, Advocate.
Respondent No.1 :		Mst. Samreen D/o Muhammad Ali Through Mir Sarfaraz Ali Talpur advocate
Respondent No.2 :		Saad son of Sameer (minor). Nemo. Mr. Muhammad Sharif Solangi A.A.G.
Date of hearing	:	25.11.2026
Date of Order	:	25.11.2026

O R D E R

ZULFIQAR ALI SANGI-J:- Through the instant constitutional petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner has called in question the judgment and decree dated 18.12.2025 passed by the learned Additional District Judge-II, Tando Adam, in Family Appeal Nos.46 and 47 of 2025, whereby Family Appeal No.46 of 2025 filed by respondent No.1, Mst. Samreen, was allowed, whereas Family Appeal No.47 of 2025 filed by the present petitioner was dismissed. Consequently, the judgment and decree dated 22.09.2025 passed by the learned Family Judge-I, Tando Adam, in R.B.T. Family Suit No.68 of 2025 were modified to the extent that respondent No.1 was also held entitled to recovery of gold ornaments in accordance with the receipt produced in evidence or their monetary value.

2. Precisely, the case of respondent No.1 before the learned Family Court was that she was married to the petitioner and, at the time of Rukhsati, her parents had provided dowry articles and gold ornaments, which remained in the possession of the petitioner. She further asserted that the dower amount of Rs.30,000/- had not

been paid and that, following her separation from the petitioner, she was not provided maintenance. Out of the wedlock, a minor son, namely Saad, was born, whose maintenance was also claimed. The petitioner contested the suit by denying the claims raised by respondent No.1 and asserted, inter alia, that the dower had already been paid, that he had provided funds to the parents of respondent No.1 for dowry and marriage expenses, and that the gold ornaments were not brought by respondent No.1 to his house.

3. The learned Family Judge-I, Tando Adam, after recording evidence of the parties and considering their respective pleadings, partly decreed the suit vide judgment and decree dated 22.09.2025. Respondent No.1 was held entitled to recovery of essential dowry articles or their estimated value of Rs.200,000/-, dower amount of Rs.30,000/-, and maintenance at the rate of Rs.7,000/- per month from June 2024 till the period of Iddat. The minor was also awarded maintenance at the rate of Rs.5,000/- per month from June 2024 till his legal entitlement, with annual enhancement of 20%. However, the claim relating to recovery of gold ornaments was declined.

4. Both parties preferred separate family appeals against the judgment and decree of the learned Family Court. The learned appellate Court, upon reappraisal of the material available on record, dismissed Family Appeal No.47 of 2025 filed by the petitioner, while allowing Family Appeal No.46 of 2025 filed by respondent No.1, holding that the latter was also entitled to recovery of gold ornaments in terms of the receipt produced in evidence at Ex.P-1/D or their value. It is the aforesaid judgment and decree of the appellate Court which has been assailed through the instant petition.

5. Learned counsel for the petitioner contends that the impugned judgments and decrees are contrary to law and the evidence available on record; that the learned Courts below have failed to properly appreciate the financial status

of the petitioner, who allegedly earns a modest income by plying a rickshaw; that the dowry articles claimed by respondent No.1 were exaggerated and were not actually brought to the matrimonial home; and that the evidence adduced by respondent No.1, particularly concerning gold ornaments, was insufficient to establish their delivery or possession by the petitioner. It is further contended that the learned appellate Court has misread and misconstrued the evidence, particularly the testimony of Muhammad Yousuf, who, according to the petitioner, did not witness the delivery of gold ornaments. Learned counsel, therefore, submits that the impugned appellate judgment is liable to be set aside.

6. Learned counsel for respondent No.1, while opposing the petition, submits that the impugned judgment and decree are well-reasoned, based on proper appreciation of evidence and in accordance with law. He contends that respondent No.1 had categorically pleaded and established her entitlement to dowry articles and gold ornaments, which were entrusted to the petitioner at the time of Rukhsati but were not returned upon separation. He submits that her claim regarding gold ornaments was duly supported by the receipt produced at Ex.P-1/D, whereas the petitioner, despite alleging the same to be forged and fabricated, failed to substantiate such allegation through any cogent evidence or by examining the concerned jeweller. He further contends that mere denial or an unsubstantiated allegation of fabrication is insufficient to discredit the documentary evidence, and that the appellate Court rightly reappraised the evidence and determined respondent No.1's entitlement to the gold ornaments or their monetary value. He submits that the petitioner has failed to establish any misreading or non-reading of evidence, perversity, illegality or jurisdictional defect warranting interference under Article 199 of the Constitution, and that the grounds raised essentially seek reappraisal of factual findings, which is beyond the scope of constitutional jurisdiction. He further submits that the petitioner has also failed to substantiate

his alleged financial constraints through cogent evidence. Learned counsel, therefore, prays for dismissal of the petition, contending that the impugned judgment and decree dated 18.12.2025 passed by the learned Additional District Judge-II, Tando Adam, suffer from no illegality or infirmity warranting interference by this Court. Learned AAG submits that the dispute is in between the private parties and the government has no any interest.

7. I have heard learned counsel for the petitioner so also learned counsel for the respondent No.1 and examined the available record, including the judgments and decrees passed by the learned Family Court and the appellate Court, with due consideration to the grounds raised in the instant petition.

8. The jurisdiction of this Court under Article 199 of the Constitution is not intended to function as a forum for reappraisal of evidence or substitution of findings recorded by the competent Courts merely because another view may be possible on the material available on record. Interference with concurrent or appellate findings in family matters is warranted only where such findings suffer from patent illegality, jurisdictional defect, perversity, material misreading or non-reading of evidence, or where the conclusions drawn are demonstrably arbitrary or contrary to settled principles of law. The constitutional jurisdiction, therefore, cannot be invoked as a substitute for an ordinary appellate remedy or to undertake a fresh evaluation of evidence in the absence of any legally sustainable ground for interference.

9. In the instant matter, the learned appellate Court has considered the respective contentions of the parties and recorded reasons for its conclusions. While examining the claim regarding gold ornaments, the learned appellate Court noticed that respondent No.1 had produced a receipt in support of her claim, whereas the petitioner, despite

disputing the genuineness thereof, had not adduced any cogent evidence to substantiate his allegation of forgery or fabrication. The appellate Court also observed that the petitioner had neither produced the jeweller concerned nor brought any independent evidence on record to establish his assertion that the gold ornaments had not been provided to respondent No.1 or that he had himself supplied the funds for their purchase. The mere fact that one of the witnesses examined by respondent No.1 did not personally witness the delivery of gold ornaments would not, by itself, render the entire documentary and oral evidence liable to be discarded, particularly when the learned appellate Court has independently examined the material placed before it and recorded a reasoned conclusion. The petitioner, through the instant petition, has essentially sought re-examination of the evidentiary assessment undertaken by the learned appellate Court, without demonstrating any patent illegality, perversity or jurisdictional infirmity warranting interference by this Court in its constitutional jurisdiction.

10. Likewise, the objections relating to the dowry articles, dower and maintenance have already been examined and adjudicated upon by the learned Family Court and the appellate Court. The petitioner has failed to point out any such material defect in the impugned judgments which may justify exercise of constitutional jurisdiction. The question of the petitioner's asserted limited income, in the absence of any demonstrable illegality in the findings recorded by the Courts below, does not furnish an independent ground for setting aside the impugned judgment and decree. It is a settled principle that constitutional jurisdiction is discretionary and extraordinary in nature and cannot be exercised merely to revisit findings of fact duly recorded by competent Courts in the exercise of their lawful jurisdiction. The petitioner is required to demonstrate a clear violation of law, arbitrariness, perversity or a jurisdictional defect; however, the grounds raised in the instant petition, when examined in their entirety, do not disclose any such

infirmity. The impugned judgment appears to have been rendered after consideration of the relevant evidence and the contentions advanced by both parties, and no ground has been made out for constitutional interference.

11. In view of the foregoing discussion, the instant constitutional petition is **dismissed**, along with pending application(s), if any. The impugned judgment and decree dated 18.12.2025 passed by the learned Additional District Judge-II, Tando Adam, in Family Appeal Nos.46 and 47 of 2025 are maintained.

JUDGE