

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
C.P.No.S-1280 of 2013

DATE: ORDER WITH SIGNATURE(S) OF JUDGE(S).

Hearing of Case
For hearing of Main Case

22.09.2016

Mr. Saleem-ul-Haq, Advocate for the Petitioner.
Mrs. Arjumand Khan, Advocate for Respondent No.1.

Through the instant petition, the Petitioner, who is ex-wife of Respondent No.1, has made prayer to direct her ex-husband to return her jewelry articles and prayer is also made for the enhancement of maintenance given to her by the Family Court. The learned counsel for the Petitioner submitted that a joint Bank locker was operated by the couple when they were married to each other, wherein certain items of Petitioner's jewelry were also kept, however, in her absence, the counsel has alleged that, Respondent removed these articles of jewelry and he is not returning the same to her. Learned counsel also submitted that the orders passed by the learned Family Judge did not consider this issue. These assertions were vehemently challenged by the counsel appearing for the Respondent, who submitted that issue No.4 as framed in the impugned judgment was precisely in respect of the jewelry articles and jewelry lying with the Defendant (ex-husband) and has been very eloquently addressed on page 10 of the impugned judgment.

A perusal of the impugned order depicts that the lady was unable to provide any evidence or proof of purchase of the jewelry articles before the Family Court and the list that was presented was after the lapse of over three years and that too without

any substantial proof of purchase, and moreover the jewelry articles were returned to her through Nazir on 15.06.2009. Learned counsel further submitted that while at one hand the Petitioner is seeking certain relief through the instant petition; on the other hand, she has also filed application for execution of the decree and in support of these contentions, the counsel submitted proof thereof. In support of her contentions, she also relied upon the case law reported as Syed Raza Abbas v/s. Mst. Sana Saeed Sattar and 2 others (2015 YLR 489), Mian Jan v/s. Mian Pir Jan and others (2015 SCMR 298) and Tasawar Hussain v/s. Mst. Farzana Kausar and others (PLD 2015 Lahore 208).

As it is evident from the foregoing that the matter in hand involves examination of controversial facts, for which evidence has to be led, which is not within the purview of this Court while exercising writ jurisdiction, as well as, the Petitioner has already proceeded with execution of the Decree that she is trying to amend here.

I, therefore, do not find any merit in the instant petition, which is hereby dismissed.

Judge

Manzoor