

**IN THE HIGH COURT OF SINDH AT KARACHI**

Present:  
Mr. Justice Muhammad Shafi Siddiqui

C.P. No. S-1002 of 2018

Mohsin Raffan Khan

Versus

XIV-Civil & Family Judge District Central & others

Date of Hearing: 01.04.2021

Petitioner: Through Mrs. Humaira Nadeem Rana  
Advocate

Respondent No.2: Through Mr. Shafqat Zaman Advocate.

**J U D G M E N T**

**Muhammad Shafi Siddiqui, J.** - This petition is filed against findings of two Courts below in respect of dowry articles, list of which is attached with the plaint and available on record of this file as Annexure 'B' page 39. Total claim of the respondent was to the tune of Rs.8,09,100 as dowry articles plus loan amount Rs.250,000/-. However, trial Court has awarded only dowry articles excluding gold ornaments hence the controversy is only to the extent of Rs.287,600/- (Rs.809,100-521,500). The same has not been disturbed by the appellate Court.

2. Learned counsel for petitioner submitted that this petition is only confined to dowry articles alone which were already in use while respondent shifted into independent flat obtained on rent.

3. Learned counsel further submitted that it is the case of the petitioner that on account of misreading and non-reading appellate Court and the trial Court reached to this erroneous conclusion. The trial Court in customary manner stated that since it is a "fixed custom and tradition of our society" that the appellant endow their daughters with dowry articles at the time of their marriages and in social setup it is

normally very difficult by the bride or her family members to keep receipts of dowry articles for an indefinite period. Further it is an admitted fact in our society that at the time of marriage receiving/ acknowledgement cannot be taken on dowry list as it will be considered disrespectful by family of groom. Thus, trial Court concluded that it is not proved by the defendant/petitioner that these articles were returned. Similarly, appellate Court while hearing the appeal was of similar view.

4. I have heard the learned counsel minutely perused evidence which is claimed by petitioner's counsel to have been misread.

5. In the cross-examination of plaintiff Syeda Bushra (respondent No.2 in this petition), she admitted to a suggestion that she shifted to a rented premises, which was obtained by Mohsin (petitioner). It was denied that she took the dowry articles back with her while she shifted to the rented premises from her mother in law's house, however, she voluntarily stated, that she brought the need articles i.e. "essential articles of the daily use" from her father's house.

6. Although it was an independent burden on the respondent No.2, which ought to have been discharged independently but the burden was diluted when petitioner's/defendant's counsel herself suggested in the cross-examination that when they shifted at the rented house, they took all the dowry articles from her mother in law's house. By this question the dowry articles, list of which is independently attached, were conceded. Items were not specifically denied. The relevant part is as under:-

*"It is correct to suggest that I shifted in a rented house which is taken by Mohsin defendant. It is incorrect to suggest that when we were shifting at rented house we took all the dowry articles from my susral. Voluntarily says: I brought the need articles from the house of my father."*

7. This Constitution Petition is against concurrent findings of facts and unless case of misreading of case is shown, interference is not required by this Court. The trial Court disentitled respondent/plaintiff for the recovery of gold ornaments whereas with regard to other dowry articles (other than gold ornaments), the trial Court decreed the suit which was maintained by appellate Court vide judgment of 30.03.2018.

8. In view of above since no case of misreading is made out, petition is dismissed along with pending application.

Dated: 19.04.2021

**Judge**