

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

C.P. No.S-1252 of 2017

Shakeel Khilji
Versus
Samreen Tayyaba & others

Date	Order with signature of Judge
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1. For orders on CMA 6126/17
2. For hearing of main case.
3. For orders on CMA 6127/17

Date of hearing: 25.10.2017

Mr. Zaheeruddin for petitioner.

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Muhammad Shafi Siddiqui, J.- This petition is against the judgment and decree of the two Courts below in respect of grant of maintenance, and recovery of dowry articles. The respondent No.1 was granted maintenance at the rate of Rs.2500/- till Iddat period whereas respondents No.3 and 4 were granted maintenance at the rate of Rs.2500/- from 01.11.2010 till the date of judgment of the trial Court and at the rate of Rs.4000/- per month thereafter till their legal entitlement with future annual increase at the rate of 10%.

Learned counsel for the petitioner has mainly agitated the grant of maintenance. He submitted that although the petitioner in his evidence has admitted that he is drawing monthly salary of Rs.25000/- however he is not finding it sufficient to maintain his present family and the two children/respondents No.2 and 3 living with their mother i.e. respondent No.1. Apart from this dowry articles were also taken into consideration and the suit was accordingly decreed on that count as well.

Learned counsel at the very outset was inquired as to which part of the evidence was misread by the Courts below or was not taken in consideration, he was unable to point out a single piece of evidence to that effect. He only relied upon the receipts to show that it was only an estimated cost of the jewelry and not the exact amount however he was unable to point out any part of the evidence/cross-examination whereby this statement or document was shattered. A perusal of the judgment of the trial court shows that the evidence was well scrutinized by the trial Court. So also the Appellate Court after considering not only the evidence but also after taking into consideration the judgments referred.

I do not see any reason to interfere with the judgments of the two Courts below whereby on the admission of the petitioner alone that he is drawing salary of Rs.25000/-, a sum of Rs.2500/- and Rs.4000/- as maintenance of each children was granted which could hardly be considered to be unjustified, apart from recovery of the dowry articles and dower amount to which the petitioner has no logical reason to deny. The petition along with listed applications is thus dismissed in limine.

Above are the reasons of my short order dated 25.10.2017 whereby the petition was dismissed.

Dated:

Judge