

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI  
C.P. No.S-188 of 2022

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| Date | Order with signature of Judge |
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- 1.For order on office objection
- 2.For hearing of main case

14.02.2024

Ms. Farzana Qadir, advocate for the petitioner.  
Mr. Ahmed Khan Khaskheli, AAG.

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None present for the respondent. On last date of hearing Mr. Abdul Khaliq Nawal, Advocate has filed Vakalatnama on behalf of respondent No.1 who initially was served through SHO concerned.

The grievance of the petitioner is that while the trial Court having admitted the list of dowry articles (available at page 69) which is elaborative on the face of it and where there is a claim that these articles worth Rs.14,95,500/-, the trial Court held the value of these articles to be Rs.1,50,000/-, which calculation, per learned counsel was purely imaginative having no relevancy to fact or actual value of the goods, not only so, per learned counsel that the learned Appellate Court also maintained the said findings holding that *“appellant did not disclose the resources of her father or brothers regarding (their) strong financial status/position”* Learned counsel states that the petitioner had provided information that her father was having a highly respectable position in SSGCL and the brother of the petitioner was working in Saudia Arabia, which facts were ignored by the appellate Court.

In these circumstances, the petitioner is aggrieved of both the judgments to the extent of value of the dowry articles and requests that claim made by the petitioner/ plaintiff to the value of Rs.14,95,500/- be maintained.

A review of judgment of the trial Court reveals that it did not consider the value provided by the petitioner who appeared in the witness box and produced the list of dowry articles. It is also alleged that the petitioner was maltreated and left the house of the respondent husband in medical emergency alongwith second wife of the respondent. I have perused the file and observe that there is no challenge specifically made by the respondent as to the value of dowry articles. No counter statement or claim to that effect has been made. It is further evident from the cross of the petitioner that the dowry articles were delivered to the house of the respondent in three or more Suzuki vans. In these circumstances, when none is present to controvert the assertions of the petitioner, the impugned judgments of the trial Court and Appellate Court are set aside to the extent of value of dowry articles that is restored to the value of Rs.14,95,500/-.

The petition is allowed in above terms.

JUDGE