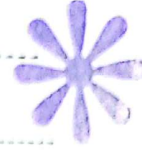


ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

C.P No.5-913 2022.

Date: Order with signature(s) of the Judge(s)



Hg./Priority Case.

1. For Orders on Office Objection as at 'A'.
2. For Hearing of MA No.6392/2022.
3. For Hearing of Main Case.

08<sup>th</sup> December, 2022.

Syed Imtiaz Ali Shah advocate for the Petitioner.  
Syed Zain ul Abideen Rizvi advocate for Respondent No.1.  
Mr. Zahid Farooq Mazari, AAG

\*\*\*\*\*

Heard learned counsel for respective parties.

Learned counsel for the Petitioner has challenged two orders passed by executing court while observing that partially decree has been satisfied and with regard to dowry articles decree speaks two options in the first chattels are to be handed over and in alternate its value. Bailiff's report shows that chattels were available but Petitioner not received the same on the plea that same are not in same position. Admittedly chattels were given to the Respondent No.1 at the time of marriage and marriage was continued for four years and thereafter the litigation and delay has caused obviously will effect the condition of dowry articles as same were in use of both. That order was challenged in Family Appeal and learned appellate court vide order dated 28.08.2022 dismissed Family Appeal. Being relevant Para-8 is reproduced as under:

***"8. In the light of above discussion, it is clear that compromise decree is silent regarding alternate value of dowry articles to be paid by Respondent to appellants and it is settled law that executing court cannot go beyond the decree, thus, learned XVIITH Civil / Family Judge has rightly passed the impugned order which does not require any interference of this court hence, instant appeal stands dismissed accordingly".***

Accordingly, it is not a case of writ of certiorari to interfere which was undertaken in accordance with law.

In view of above, instant petition is dismissed alongwith listed application[s].

  
JUDGE

M.Zeeshan