

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No. S-225 of 2024.
(Muhammad Shareef Chachar vs. Mst. Hazooran Chachar and others)

For the hearing of the main case.

27.02.2026.

Mr. Tarique Hussain Rajper, Advocate for the Petitioner
Mr. Agha Athar Hussain, Assistant Advocate General.

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ORDER

Ali Haider 'Ada' J.: Through this constitutional petition, the petitioner assails the judgment and decree dated 27.04.2024, passed by the Family Judge, Ghotki, in Family Suit No.151 of 2021, wherein Respondent No.1 filed a Family Suit for recovery of maintenance and dowry articles. After a full-fledged trial, the learned trial Court passed the impugned judgment. The petitioner, who was cited as respondent/defendant before the trial Court, challenged the findings before the learned District Judge, Ghotki, in exercise of appellate jurisdiction. The Appellate Court, vide judgment and decree dated 08.10.2024, upheld the findings of the trial Court by dismissing the appeal. Through this petition, the petitioner has called in question the decisions of the fora below.

2. Briefly, Respondent No.1 filed a Family Suit for recovery of maintenance and dowry articles from 08.09.2019 until the date of dissolution of marriage, including the Iddat period. With regard to dowry articles, Respondent No.1 submitted a detailed list, and the trial Court, in the impugned judgment, allowed the claim regarding dowry articles and their value. The trial Court further decreed that Respondent No.1 was entitled to maintenance of Rs. 5,000/- per month from 08.09.2019 until 20.05.2021, with continuance of maintenance during the Iddat period. The Appellate Court maintained the same findings.

3. Learned counsel for the petitioner contended that Respondent No.1, of her own free will, left the house of her husband without the petitioner's consent. He argued that the marriage was in the form of an exchange of family relations, and that both the trial Court and Appellate Court failed to consider the marital status of the petitioner. He further submitted that the trial Court, despite observing that receipts were not produced, allowed the claim of Respondent No.1 in a lump sum and directed the return of dowry articles through payment of Rs. 50,000/-, which he contended was contrary to the pleadings. Hence, he prayed for setting aside the impugned decisions.

4. Record reveals that on 28.11.2025, the brother of Respondent No.1, Habibullah, appeared and sought time to engage counsel. However, today, no one is in attendance on behalf of Respondent No.1, and no intimation has been received; therefore, the matter proceeded in her absence.

5. Learned Assistant Advocate General, relying upon the impugned judgment and decree, submitted that the Appellate Court, in its reasoning at point No.1, had considered low-profile rates and discussed the marital status of the petitioner. Therefore, no interference in the decisions of the fora below is warranted.

6. Perusal of the record shows that, as admitted in the petitioner's written statement, Respondent No.1 left the house on 08.09.2019 and resided in her parental house until the filing of the suit for maintenance. The written statement does not controvert or dispute that Respondent No.1 was properly entitled to maintenance as a wife. It is the prime duty of the husband to maintain his wife. The petitioner's plea that she resided at her parental house of her own volition is misconceived. Reliance is placed on **Ambreen Akram v. Asad Ullah Khan and others (2026 SCMR 1)**, wherein the Honourable Apex Court held that maintenance is a fundamental right

after consummation of marriage, and it is the responsibility of the husband to provide maintenance. In the present case, no material has been produced to show that Respondent No.1 was properly maintained.

7. Regarding dowry articles, it is the general custom that dowry is provided at the time of marriage. The learned trial Court, after considering the circumstances, allowed the petitioner to pay a lump sum of Rs.50,000/- for dowry articles. Notably, the Respondent No.1 has not challenged the findings of the trial Court or Appellate Court, implying her acceptance of the amount fixed. Consequently, any enhancement of the amount is not justified.

8. For the foregoing reasons and discussions, no interference is required in the findings of the Courts below. Accordingly, the instant petition is dismissed, with no order as to costs.

JUDGE

Faisal Mumtaz/PS