

IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No. S-1355 of 2025

Hafiz Zohaib Shujauddin
Versus
Mst. Aamna Zohaib and another

Date

Order with Signature of Judge(s)

Date of Hearing: 27.04.2026.

Date of Judgment: 21.05.2026.

Mr. Abdul Hakeem, Advocate for petitioner.
Mr. Usman Farooq, Advocate for Respondent No.1.

ORDER

ZULFIQAR ALI SANGI, J: Through the instant Constitutional Petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner has called in question the legality and propriety of the judgment dated 28.10.2025 passed by the learned VIth Additional District Judge, Karachi-Central in Family Appeal No.27 of 2025, whereby the appeal preferred by the petitioner against the judgment and decree dated 04.02.2025 passed by the learned XVIth Civil Judge and Family Judge, Karachi-Central in Family Suit No.1135 of 2023 was dismissed.

2. Briefly stated, the relevant facts as emerging from the record are that respondent No.1 instituted Family Suit No.1135 of 2023 before the learned Family Court seeking dissolution of marriage through Khula, recovery of dowry articles and maintenance. It was averred in the plaint that the marriage between the parties was solemnized on 26.08.2021 according to Muslim rites and ceremonies against Haq Mehr of Rs.50,000/-. It was further pleaded that at the time of rukhsati, the parents of respondent No.1 had provided dowry articles including gold ornaments, household items, clothes and other valuables amounting to Rs.1,665,800/-, which allegedly remained in possession of the petitioner. Respondent No.1 further alleged maltreatment, physical abuse and neglect at the hands of the petitioner and his family members and claimed that ultimately on

09.12.2022 she was turned out from the matrimonial house. She also sought maintenance and recovery of dowry articles along with dissolution of marriage through Khula.

3. Upon notice, the petitioner appeared before the learned Family Court and filed written statement controverting the allegations leveled in the plaint. The petitioner, however, admitted the marriage as well as partial receipt of dowry articles but contended that respondent No.1 had voluntarily left the matrimonial home along with her brother after taking away her belongings, gold ornaments and other articles. The petitioner also asserted that the dower amount had already been paid and denied all allegations relating to cruelty, impotency and non-maintenance.

4. After failure of reconciliation proceedings, the marriage between the parties was dissolved through Khula and the learned Family Court framed issues regarding payment of dower, entitlement of respondent No.1 to dowry articles and maintenance.

5. In support of her case, respondent No.1 examined herself and produced documentary evidence including Nikahnama, list of dowry articles, receipts, photographs and whatsapp screenshots. She also examined two witnesses in support of her claim. The petitioner examined himself in rebuttal and produced his affidavit in evidence.

6. Upon conclusion of trial and after hearing learned counsel for the parties, the learned Family Court vide judgment and decree dated 04.02.2025 decreed the suit in the following terms: -

i. The dower amount of Rs.50,000/- was held to have been paid by the petitioner and respondent No.1 was directed to restore the same as consideration of Khula;

ii. Respondent No.1 was declared entitled to recovery of dowry articles as mentioned in Exh.P-4 and Exh.P-5 or in the alternative to receive 70% of the claimed value thereof after accounting for depreciation, while gold ornaments were ordered to be compensated according to prevailing market value;

iii. Respondent No.1 was held entitled to iddat maintenance at the rate of Rs.10,000/- per month for three months.

7. Being dissatisfied, the petitioner preferred Family Appeal No.27 of 2025 before the learned Appellate Court, which too came to be dismissed vide judgment dated 28.10.2025. Hence, the instant Constitutional Petition.

8. Learned counsel for the petitioner contended that both the Courts below failed to appreciate the evidence in its true perspective and passed the impugned judgments in a mechanical and cursory manner. It was argued that the respondent failed to prove ownership and entrustment of the alleged dowry articles through cogent evidence and no receipts or independent evidence were produced in support thereof. It was further contended that the learned Courts below misread the petitioner's statement and treated partial admission regarding some household items as admission of the entire list of dowry articles. Learned counsel further argued that the award of maintenance was made without proper inquiry into the petitioner's financial capacity. He also submitted that the allegations of cruelty and physical abuse remained unsubstantiated in absence of medical reports, police complaints or independent corroboration. It was lastly argued that the impugned judgments suffer from non-reading and misreading of evidence and therefore are liable to be set aside in exercise of constitutional jurisdiction.

9. Conversely, learned counsel appearing for respondent No.1 supported the impugned judgments and submitted that both the Courts below had properly appreciated the evidence available on record and concurrently held respondent No.1 entitled to recovery of dowry articles and iddat maintenance. It was contended that the petitioner had admitted the existence of dowry articles during his evidence and failed to establish that the same had been returned to respondent No.1. Learned counsel further submitted that no jurisdictional defect or illegality has been pointed out warranting interference by this Court under Article 199 of the Constitution.

10. I have heard learned counsel for the parties at considerable length and have carefully examined the material available on record as well as the impugned judgments.

11. It is by now a settled principle of law that constitutional jurisdiction under Article 199 of the Constitution is supervisory in nature and cannot ordinarily be exercised to reappraise evidence or

disturb concurrent findings of fact unless the same are shown to be suffering from patent illegality, jurisdictional defect, arbitrariness, misreading or non-reading of material evidence resulting in miscarriage of justice.

12. Perusal of the record reflects that the learned Family Court extensively discussed the evidence adduced by both the parties. The petitioner, during his cross-examination, admitted that dowry articles including furniture and other items were brought by respondent No.1 to the matrimonial house. He further admitted that such furniture was still lying in his house. Although the petitioner attempted to assert that respondent No.1 had taken away her belongings at the time of leaving the matrimonial home, admittedly no independent witness or documentary evidence was produced in support thereof. Rather, material contradictions surfaced in his own testimony, at one stage admitting receipt of dowry articles and at another restricting the same only to furniture.

13. The learned Appellate Court, while affirming the findings of the learned Trial Court, rightly observed that dowry articles consisting of ordinary household items customarily given at the time of marriage do not require strict proof in the manner contemplated under ordinary civil proceedings, particularly where their existence stands substantially admitted. Reliance placed by the learned Appellate Court upon the judgment reported as 2017 SCMR 393 was neither misconceived nor misplaced, as the said precedent adequately covers cases involving customary dowry articles of ordinary domestic use.

14. It is further noted that the learned Trial Court, despite disbelieving the allegations of physical torture and cruelty for want of sufficient corroborative evidence, still restricted the claim of maintenance only to the iddat period and declined past and future maintenance. Thus, the contention of the petitioner that the Courts below granted relief mechanically without proper appreciation of evidence is not borne out from the record.

15. As regards the quantum of iddat maintenance fixed at Rs.10,000/- per month, the same appears to be modest and reasonable keeping in view the prevailing economic conditions and the status of the parties. No material has been produced before this Court

demonstrating that such determination suffers from arbitrariness or patent illegality.

16. The objection regarding non-speaking nature of the appellate judgment is also devoid of force. The impugned appellate judgment clearly reflects consideration of the relevant evidence, submissions of the parties and applicable law before arriving at its conclusion. Merely because the findings are against the petitioner would not render the judgment non-speaking or illegal.

17. It is also well settled that concurrent findings of fact recorded by two competent Courts are not to be lightly interfered with in constitutional jurisdiction unless the same are shown to be perverse, arbitrary or suffering from gross misreading or non-reading of evidence. The petitioner has failed to point out any such defect warranting interference by this Court.

18. For the foregoing reasons, I am of the considered view that the impugned judgment dated 28.10.2025 passed by the learned VIth Additional District Judge, Karachi-Central in Family Appeal No.27 of 2025 as well as the judgment and decree dated 04.02.2025 passed by the learned XVIth Civil Judge and Family Judge, Karachi-Central do not suffer from any legal infirmity, jurisdictional defect or material illegality requiring interference by this Court in exercise of constitutional jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973.

19. Consequently, the instant Constitutional Petition being devoid of merit is hereby dismissed along with all pending applications.

JUDGE