

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
CP No.S-1129 of 2023
(Shehzad Ghulam Hussain v. Ayesha and another)

Date	Order with signature(s) of Judge(s)
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1. For orders on office objection as at A
2. For hearing of main case

05.12.2025

Mr. Nisar Ahmed, advocate for the petitioner
Mr. Ali Zardari, AAG

Nisar Ahmed Bhanbhro, J. This petition is directed against the order dated 21st July, 2022 passed by learned Civil & Family Judge VIII, Karachi (Malir) in Family Suit No.234 of 2021, whereby the marriage of the petitioner and respondent was dissolved by way of Khula.

2. Learned counsel for the petitioner submits that the marriage was solemnized between the parties against the dower amount of 03 Tolla Gold, which the respondent was required to return as she obtained dissolution of marriage by way of Khula. He further submits that for that purpose the trial Court was required to frame issue for return of dower amount and decide the case on merits. He prays to allow the petition.

3. Learned AAG submits that through impugned order dated 21st July, 2022, learned trial Court has already observed that dissolution of marriage was subject to dower amount, therefore, this petition is misconceived and not maintainable be dismissed accordingly.

4. Heard arguments and perused the material available on record. On scanning of the record, it reveals that the respondent had filed Suit for dissolution of marriage by way of Khula. On failure of pre-trial reconciliation proceedings, learned trial Court proceeded and decreed the Suit of the respondent by making following observation in Para-4 of the order dated 21st July, 2022, which is reproduced below:

“4. Therefore, in view of above circumstances, I am of the humble opinion that no compromise or reconciliation is possible; therefore, depriving the plaintiff from her right of Khula and compelling her for reunion with defendant shall not be in the interest of justice. Therefore, the marriage of plaintiff Mst. Ayesha D/o Karim Dad with defendant Shahzad Ghulam Hussain Son of Ghulam Hussain, is hereby dissolved

by way of Khula in lieu of dower amount. Hence, the matter stands disposed of with no order as to cost. Let such decree be prepared and copy of the same be sent to the office of the Union Council concerned, for initiating proceedings for conformation / reconciliation between the parties according to law.”

5. From perusal of the order dated 21.07.2022, it is clear that the marriage of the respondent Mst. Ayesha D/o Karim Dad was dissolved in lieu of dower amount for which appropriate course for the petitioner was to apply with the same Family Court for recovery of the said amount instead he filed this petition after about a passage of more than 02 years' time which is hit by the doctrine of laches and not maintainable, thus accordingly dismissed. However, the petitioner is at liberty to seek enforcement of the order and decree dated 21.07.2022 before the learned trial Court, if so advised.

JUDGE

Nadir*