HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P No.S-750 of 2025
[Niaz Ali vs. Mst. Shazia and another]

Petitioner by	:	Mr. Sultan Ahmed Chandio Advocate
Respondent by	:	Nemo
Date of Hearing	:	**20.01.2026**
Date of Decision	:	**20.01.2026**

O R D E R

ARBAB ALI HAKRO, J:- Through this constitutional petition, the petitioner has called into question the Judgment and Decree dated 15.11.2025[1], whereby the Judgment and Decree dated 19.07.2025[2] were affirmed in their entirety. The petitioner seeks the exercise of this Court's constitutional jurisdiction to set aside the concurrent findings of the Courts below.

2. Concise facts, as emerging from the plaint, are that the petitioner and respondent contracted marriage in the year 2022 against a dower amount of Rs. 2,00,000/-, which admittedly remained unpaid. At the time of marriage, the parents of the respondent furnished dowry articles valued at Rs. 2,00,000/-, which were transported to and placed in the matrimonial home of the petitioner. It is alleged that soon after marriage, the petitioner subjected the respondent to persistent maltreatment, compelling her to leave the matrimonial abode and seek refuge with her parents. Consequently, the respondent instituted Family Suit No. 51 of 2025 before the learned Family Judge-I, Tando Muhammad Khan, seeking dissolution of marriage by way of khula and recovery of dowry articles or, in the alternative, their monetary value.

3. Upon failure of pre-trial reconciliation proceedings, the marriage was dissolved. Thereafter, through Judgment and decree dated 19.07.2025, the

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[1] rendered by the learned Additional District Judge - I, Tando Muhammad Khan, in Family Appeal No. 08 of 2025
[2] passed by the learned Family Judge - I, Tando Muhammad Khan, in Family Suit No. 51 of 2025

Trial Court decreed the suit to the extent that the respondent was held entitled to the return of dowry articles or, in lieu thereof, their depreciated value assessed at Rs. 1,00,000/-.

4. Aggrieved, the petitioner preferred Family Appeal No. 08 of 2025 before the appellate Court, which was dismissed vide Judgment and decree dated 15.11.2025, thereby affirming the findings of the Trial Court. The petitioner has now invoked the constitutional jurisdiction of this Court to challenge both concurrent judgments and decrees.

5. Learned counsel for the petitioner contended that the impugned judgments and decrees suffer from material irregularities and are void ab initio. He argued that the learned Appellate Court erred in law by reframing issues already settled by the Trial Court, thereby exceeding its jurisdiction. It was further submitted that the Trial Court decreed the suit without any lawful evidence, as the respondent allegedly failed to prove the existence, nature, or value of the dowry articles claimed. Counsel maintained that both Courts below decided the matter on sympathy rather than on evidence, resulting in a miscarriage of justice. He asserted that the respondent neither brought any dowry articles to the matrimonial home nor produced any cogent proof in support of her claim. On these premises, he prayed for setting aside the concurrent findings and allowing the petition.

6. Arguments heard. Record perused. Before adverting to the merits, it is imperative to reiterate the well-settled contours of constitutional jurisdiction in matters arising out of family litigation. The Supreme Court in the case of ***M. Hamad Hassan*** has emphatically reaffirmed that the High Court, while exercising powers under Article 199, cannot undertake a re‑appraisal of evidence or substitute its own factual conclusions for those concurrently recorded by the Courts below. Interference is permissible only where the findings are demonstrably perverse, based on no evidence or tainted by misreading or non-reading of material evidence or where the

subordinate Courts have acted in excess of jurisdiction. The jurisdiction of this Court is corrective, not appellate. It is not designed to afford a litigant a third round of factual adjudication. The petitioner, therefore, shoulders a heavy burden to establish that the impugned judgments fall within the narrow exceptions recognised by law.

7. The principal grievance of the petitioner revolves around the decree for return of dowry articles or, in the alternative, their depreciated value. The record reveals that the respondent (wife) categorically deposed that her parents provided dowry articles valued at Rs. 2,00,000/-, comprising furniture, stitched clothes, utensils, bedding, make-up items and gold tops. Her testimony was corroborated by her mother, who testified and affirmed the provision of these articles at the time of marriage.

8. The petitioner, in contrast, adopted a shifting and inconsistent stance. In his written statement, he asserted that only a few pieces of used clothing were given. In his deposition, however, he conceded that utensils and clothes were provided and used during the marriage. This admission alone undermines his categorical denial and supports the respondent's version that dowry articles were indeed brought to the matrimonial home.

9. The Family Court, after evaluating the evidence, accepted the respondent’s claim except for the gold tops, noting that jewellery customarily remains in the custody of the bride and that no evidence was produced to show that the petitioner had taken possession of it. This nuanced approach demonstrates that the Trial Court applied its judicial mind and did not accept the respondent's claim mechanically.

10. The Appellate Court, upon re-appraisal, concurred with these findings and rightly observed that in our societal context, parents ordinarily provide dowry articles to their daughters according to their means, and strict proof through receipts is neither customary nor legally mandatory. Reliance placed on **2017 SCMR 393**, by the Appellate Court, is sound, wherein the

Supreme Court held that the solitary statement of the wife may suffice in dowry matters, and the absence of receipts does not defeat her claim.

11. The petitioner’s counsel argued that the Courts below misread the evidence and ignored the defence version. However, a meticulous examination of the record reveals no such infirmity. Both Courts have reproduced, analysed and addressed the petitioner's stance. The Trial Court specifically considered his claim that the respondent's parents were poor and could not afford a dowry, but found it unsupported by any evidence. Poverty is not presumed; it must be proved.

12. Similarly, the petitioner’s claim that the respondent used the dowry articles during her stay does not negate their existence; rather, it reinforces the fact that such articles were indeed present in the matrimonial home. The findings of both Courts are thus neither arbitrary nor perverse. They are grounded in the evidence and supported by cogent reasoning.

13. The Trial Court assessed the depreciated value of the dowry articles at Rs. 1,00,000/-, considering that the marriage took place in the year 2022 and the parties lived together for approximately two years. This assessment is reasonable and consistent with judicial practice. The petitioner has not demonstrated that this valuation is excessive, speculative or unsupported by evidence.

14. The petitioner has failed to establish that the impugned judgments suffer from any jurisdictional defect, procedural impropriety or manifest illegality. Both Courts exercised their lawful jurisdiction, evaluated the evidence and rendered findings that are neither capricious nor contrary to law.

15. The attempt to re-argue factual controversies before this Court is impermissible in view of the binding pronouncements of the Supreme Court, particularly cited supra, which cautions against converting constitutional jurisdiction into a substitute for a second appeal.

16. In light of the foregoing analysis, the concurrent findings of the Courts below are unassailable. They are supported by evidence, aligned with statutory provisions and consistent with the jurisprudence governing family matters. No case for interference under Article 199 of the Constitution is made out.

17. In view of the foregoing discussion and for the reasons recorded hereinabove, the petitioner has failed to bring his case within the narrow and exceptional grounds warranting interference under Article 199 of the Constitution. Resultantly, this constitutional petition stands **dismissed** in limine, with no order as to costs. Resultantly, the impugned Judgment and Decree dated 19.07.2025, as affirmed by the Judgment and Decree dated 15.11.2025, are hereby maintained in toto.

JUDGE

Sajjad Ali Jessar