

IN THE HIGH COURT OF SINDH AT KARACHI

**Constitutional Petition No.2664/2017**

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DATE

ORDER WITH SIGNATURE(S) OF JUDGE(S)  
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**Before: Mr. Justice Nazar Akbar**

Petitioner: Zahid Maqsood through  
Mr. Masood Anwar Ausaf,  
Advocate.

**Versus**

Respondent No.1: Mst. Samina Batool,

Respondent No.2: Moiz-ur-Rehman

Through Ch. Khalid Rahim Arain,  
advocate.

Respondent No.3: VIth Additional District Judge, Karachi  
East.

Respondent No.4: XXIXth Family Judge Karachi East.

Date of hearing: **24.02.2020**

Date of Judgment : **24.02.2020**

**1. For hearing of CMA No.11561/20187 (stay)**

**2. For hearing of main case**

**JUDGMENT**

**NAZAR AKBAR, J.** The petitioner through this constitutional petition has challenged the order dated **28.02.2017** passed by XXIXth Family Judge, Karachi East in Family Suit **No.2303/2011** whereby her suit for maintenance and recovery of dowry articles filed by Respondent No.1 was decreed. The petitioner filed an appeal against the said order bearing Family Appeal **No.59/2017**, which was also dismissed.

2. Briefly stated the facts of the case are that Respondent No.1 filed Suit **No.2303/2011** for maintenance, recovery of dowry articles

and dower in the Family Court. After service of notice upon the petitioner, the petitioner appeared in Family Court and filed written statement wherein he denied the averment of Respondent No.1 / Plaintiff.

3. After framing of issues, recording of evidence and hearing the parties, learned trial Court by order dated **28.02.2017** decreed the suit of Respondent No.1 in the following terms:-

“Plaintiff is entitled to receive her dower articles as per the lists/receipts at Exh-P-3, Exh-P5 and Exh-P6 respectively or in alternate Rs.200,000/-

Plaintiff is entitled to receive maintenance of plaintiff No.2/minor at the rate of Rs.8,000/- per month from the defendant, till he/minor attains the age of majority or rejoins the defendant, with an increment of 10% per annum.”

Petitioner preferred an appeal before the appellate Court. Learned VIth Additional District & Sessions Judge, Karachi East, dismissed the Family Appeal **No.59/2017** filed by the petitioner. The petitioner has preferred instant petition against the two judgments.

4. I have heard learned counsel for the parties and perused the record.

5. Learned counsel for the petitioner has assailed both the orders but unfortunately he has not identified any misreading and non-reading of evidence in coming to the conclusion by both the Courts below, not a single sentence from the evidence of either side has been referred to by the learned counsel to assert that the two judgments suffer from any illegality on account of misreading of evidence.

6. It is settled law that constitution petition does not lie against concurrent findings of facts and therefore, this petition is dismissed alongwith listed application being not maintainable.

JUDGE

Karachi  
Dated:24.02.2020

SM