

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP No.S-134 of 2020

Date	Order with Signature of Judge
1.	For orders on CMA No.601/2020 (Urgent if granted)
2.	For orders on office objection No.18 as at "A".
3.	For orders on CMA No.602/2002 (Exemption)
4.	For hearing of Main case.
5.	<u>For hearing of CMA No.603/2020 (U/A 199(4) r/w 151 CPC)</u>

30.01.2020

Ms/. Ahmed Zamir Khan, & M.Y. Zuberi,
advocates for petitioner.

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The petitioner through this constitution petition has challenged concurrent findings in Family Suit **No.120/2015** dated **30.11.2018** by the Vth Civil Judge/Judicial Magistrate, Karachi East, which was upheld in Family Appeal **No.226/2018** by the learned XIIth Addl. District and Sessions Judge East, Karachi. The parties contested the case before the Court and led their evidence. The trial Court keeping in view the circumstances of the parties disposed of the Family Suit in the following terms:-

“After discussion on above issues that the defendant is directed to deposit the iddat period maintenance of the plaintiff at the rate of Rs.3000/- per month i.e. Rs.9000/- with the Nazir of this Court. The defendant also directed to deposit the dower amount (as per nikahnama) with the Nazir of this Court. the defendant is directed to return the dowry articles to the plaintiff as per list. The suit of the plaintiff is decreed with no order as to cost”.

2. In appeal learned Appellate Court again examined the facts of the case and the evidence and upheld the judgment in the following terms:-

“In view of the above discussion and other material available on the record, it appears that, the learned trial Court has rightly passed the impugned judgment and decree dated 30.11.2018, no illegality or material irregularity has been found in the judgment/decree passed by the learned trial Court, the instant appeal is not maintainable at law, therefore, appeal filed by the appellant is hereby dismissed with no order as to costs”.

3. 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. It is settled law that constitution petition does not lie against concurrent findings of facts and therefore, this petition is dismissed alongwith listed applications.

SM

JUDGE