

IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.S-1114 of 2016

Before: Mr. Justice Muhammad Shafi Siddiqui

Muhammad Waseem Nasir Subhani	-----	Petitioner
Versus		
Mst. Anila Usman & others	-----	Respondents

Date of Hearing: 14.02.2018

Petitioner: Through Mr. Ali Ashgar Advocate

Respondent: Through Muhammad Saleem Khan, Advocate

J U D G M E N T

Muhammad Shafi Siddiqui, J: This petition is in respect of concurrent findings of two Courts below. The subject matter of this petition is recovery of dowry articles. The suit of respondent No.1 was decreed vide judgment dated 08.2.2017 followed by dismissal of an appeal of the petitioner vide judgment dated 11.4.2017. The judgment and decree of the trial Court and the decision of the appellate Court is based on the findings dependent upon evidence.

Respondent filed her affidavit-in-evidence and has provided details of articles along with its value. The cross examination of the petitioner's Counsel is also available at page 83 and virtually the acknowledgement is not denied. The questions asked were in respect of brands of machines and items and the number of cloths which would not vitiate the very fact that she brought dowry articles at the time of her marriage. Absence of receipts of articles mentioned in the list of dowry articles is of no consequence when otherwise the evidence does not provide a denial that she brought such items. All that has been pleaded

was that the respondent is required to prove it by producing receipts as its value.

Under Article 199 of the Constitution of Islamic Republic of Pakistan the concurrent findings on evidence cannot be reappraised and no other view could be formed except the one formed by the trial Court unless it is a case of misreading or non-reading of evidence which is not the case. Order was maintained by the appellate Court. This should not escape attention that at the time of obtaining 'khulla" the Respondent even returned two gold kurras (gold bangles) to the petitioner, hence no case of misreading or non-reading of evidence is made out to disturb the concurrent findings of two Courts below.

Above the reasons of short order dated 14.2.2018 whereby this petition was dismissed.

Judge