

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No.S-520 of 2015

DATE ORDER WITH SIGNATURES OF JUDGE(S)

Hearing/Priority case

1. For hearing of CMA No.2193/2015
2. For hearing of Main Case

10.10.2016

Mr. Haider Ali, Advocate for the petitioner
Mr. Fiaz Ahmed Abro, Advocate for respondent No.1

Through the instant constitutional petition, the petitioner has challenged the judgment passed in the Family Appeal No. 01 of 2014, which is already decreed and its execution has also been disposed of. The learned counsel took Court's attention to the relevant portion of the order of the family Court, as well as, the one passed in the appellate forum. Apparently, the issue is factual in nature and about the quantum of gold ornaments allegedly given to the lady by her father's family and which she brought to her husband's house. As evident from the review of both the orders, the lady was asked to leave ex-husband's premises suddenly. Both the courts have detailed reasons and independently reached on concurrent findings, which support views of the lady.

When posed with the question, as to the maintainability of the instant constitutional petition, as per Court's observation private disputes cannot be agitated in constitutional petitions, learned counsel for the petitioner submitted that the courts sitting in the constitutional jurisdiction can always intervene and reverse concurrent findings, if the courts deem fit. To this contention, I fully agree that concurrent findings, if there are constitutional ground(s) can be intervened and/or reversed, need be. Marriage

being a private contract between two individuals, there is a mechanism provided in relation to settlement of disputes between husband and wife. Provided by legislation, the first forum is the family Court and there against a mechanism is provided for in the shape of the Appellate forum. The learned counsel's contention is that since there is no (further) appeal from the orders passed by the Appellate Court, Article 199 is applicable. Learned counsel's attention is drawn to the fact that in matters related to the marriage, very intention of the legislature is that disputes will come to an end upon the conclusion of the judgment of the appellate Court and until and unless some blatant or glaring findings appear on the surface in the orders of the courts underneath, constitutional intervention is to be restricted.

I have gone through both the orders and I am fully satisfied that no such occasions have occurred. Learned counsel for respondent No.1 in support of above contention referred to case law (reported as PLJ 2015 Lahore 7), where Court very eloquently came to the conclusion that Article 199 cannot be invoked in the matter related to the dispute at hand.

In the given circumstances, I do not find any merit in the instant petition and prayers made therein cannot be granted in a constitutional petition. It is therefore, the instant petition is dismissed with cost of Rs.2,000/-.

JUDGE