

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**  
**C.P.No.S-153 of 2021**

---

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE(S)</b>
-------------	---

---

1. For orders on office objections.
2. For hearing of main case.

**10.04.2023.**

Mr. Bardaruddin Khoso, Advocate for petitioner.

=

It is stated that Petitioner is aggrieved of the finding given by learned Appellate Court with regard to Dowry Articles, declining the same; whereas learned Family Court has granted the request of Petitioner. The second grievance is the reduction of maintenance of Rs.5000/- for Petitioner during her Iddat period and Rs.4000/- for minor son with 10% annual increment. Learned Appellate Court has reduced this to Rs.3000/- and Rs.4000/-, respectively, but with 20% annual increment. It is argued by learned Counsel for Petitioner that evidence is not properly appreciated by the Appellate Court.

Heard. Record perused.

As far as reduction of maintenance amount is concerned, it is the discretion of both the Courts below, based on the appraisal of evidences, and in my considered view the learned Appellate Court has properly exercised its discretion and even has increased the increment from 10% to 20% annually. The expenditure granted by learned Family Court towards delivery of minor son has been maintained; whereas, the Dowry Articles as decreed by the Family Court has been set aside.

Admittedly, during proceeding before the learned Family Court, number of Dowry Articles has been returned by Respondent No.1 to the Petitioner, which was properly recorded during proceeding. The learned Family Court has made an observation that "the plaintiff has failed to provide any

detail, weight and value of golden ornaments”, yet has awarded the prayer of Dowry Articles in favour of present Petitioner (Plaintiff in Family Suit No.60 of 2019). In my considered view, the contradiction mentioned in the decision by learned Family Court has been corrected by the Appellate Court and it does not require any interference. Even otherwise, the Hon’ble Supreme Court in its very recent Decision handed down in the case of Arif Fareed v. Bibi Sara & others in C.P.No.5601 of 2021, ruled, **inter alia**, not approving the exercise of writ jurisdiction in such matters [concerning the Family Laws], unless there are exceptional circumstances.

In view of the above, this petition is dismissed.

JUDGE

Shahid