

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.S-233 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders on office objection  
For orders on M.A. 1528/2023  
For hearing of main case

31.10.2023

Mr. Fayaz Ali Laghari Advocate for Petitioner.

Briefly stated, Family Suit No.38/2020 was filed for recovery of dower amount and dowry articles etc. and the same was partly decreed on 05.12.2022 by Civil Judge and Judicial Magistrate-V Hyderabad. The Petitioner filed Family Appeal No.05 of 2023 before the 6<sup>th</sup> Additional District Judge Hyderabad and the same was also dismissed vide Judgment dated 16.03.2023.

At the very outset, learned counsel is queried as to whether there is any jurisdictional defect in the judgments impugned and the response is articulated in the negative. The judgments appear to have rested the respective conclusions upon detailed appreciation of evidence and no infirmity in such regard could be demonstrated. Learned counsel also remained unable to show that the conclusions drawn by the respective forums could not be rested on the rationale relied upon. The matter has been conclusively determined and per statute, finality is attached to the appellate order referred to supra.

*Prima facie* this petition unjustifiably assails the concurrent findings of the statutory hierarchy in the writ jurisdiction of this Court; the same has been disapproved by the Supreme Court in *Hamad Hasan*<sup>1</sup> and earlier similar views were also expounded in *Arif Fareed*<sup>2</sup>. Therefore, in *mutatis mutandis* application of the reasoning and ratio illumined, this petition is found to be misconceived, hence, dismissed *in limine* along with listed application.

Judge

Ali Haider

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<sup>1</sup>Per Ayesha A. Malik J in *M. Hamad Hassan vs. Mst. Isma Bukhari & Others* reported as 2023 SCMR 1434.

<sup>2</sup>Per Amin ud Din Ahmed J in *Arif Fareed vs. Bibi Sara & Others* reported as 2023 SCMR 413.