

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P No.S-207 of 2024

Order with signature of Judge(s)

Fresh case

1. For orders on CMA No.2141/2024 (Urgent Application)
2. For orders on office objection Nos.13 & 20 and reply of the counsel as at 'A'
3. For orders on CMA No.2142/2024 (Exemption Application)
4. For hearing of main case

27.03.2024

Mr. Tarique Ali, Advocate for the petitioner

1. Urgency granted.
2. Deferred.
3. Exemption granted subject to all just exceptions.
4. This petition challenges the judgment passed in Family Appeal No.71 of 2023, where per learned counsel, the earlier decision of this Court rendered in C.P No.S-1518 of 2022 on 31.03.2023 was implemented by reducing the earlier granted installments of Rs.20,000/- per month to Rs.15,000/- per month in respect of the dowry articles. Counsel states that *in fact* the trial court, which had earlier awarded Rs.5,000/- per month for the *Iddat* period to the petitioner as well as to pay Rs.3,000/- to Rs.4,000/- per month for the minor was appealed by the petitioner in Family Appeal No.49 of 2020 wherein through judgment dated 14.02.2022, maintenance was enhanced to Rs.8,000/- per month as well as the plaintiff was entitled to recover all the dowry articles as per the list annexed with the plaint excluding certain articles or in alternate to receive Rs.250,000/-. Per learned counsel, in the execution proceedings the respondent moved an application for making installments of the amount of Rs.250,000/-, which application was allowed by order dated 21.01.2023 however having obtained a favourable order in C.P No.S-518 of 2022 he approached to the executing

court again, where the impugned judgment was passed reducing the monthly installment of Rs.20,000/- to Rs.15,000/-. Counsel states that the essence of the judgment of the trial court dated 05.03.2020 and that of the appellate court's judgment dated 14.03.2022 was to primarily retain the dowry articles or in alternate to receive Rs.250,000/-. Against which, two appeals were filed and one constitutional petition was preferred to the extent that with astronomical increase in price of those articles only Rs.15,000/- are to be paid by the respondent, which sums are not justifiable, rather the petitioner seeks that the respondent be compelled to handover the dowry articles as per the judgment of the appellate court in Family Appeal No.49 of 2020. Counsel states that to the best of his knowledge all those dowry articles are still lying in the house of the respondent who has contracted second marriage and he is using the said dowry articles.

Let notice be issued to the respondents as well as A.G Sindh for **17.04.2024**. In the meanwhile, Nazir or his nominee is appointed at the cost of the petitioner being Rs.10,000/- to visit the premises of the respondent, to make out inventory of all the articles present therein, which are part of the dowry articles subject matter of the present litigation, take photographs thereof and present a statement in the Court. In the meanwhile, operation of the impugned judgment dated 30.10.2023 passed in Family Appeal No.71 of 2023 to remain suspended till the next date of hearing.

JUDGE