

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P No.S-1107 of 2023

Order with signature of Judge(s)

Hearing of case

- For hearing of main case

14.02.2024

Syed Mohsin Abbas Shah, Advocate for the petitioner
Mr. Ahmed Khan Khaskheli, AAG

Zulfiqar Ahmad Khan, J:- None present for the respondent. Learned counsel for the petitioner by drawing Court's attention to the Bailiff report dated 13.01.2022 states that the Bailiff report has clearly shown that a number of articles, which were crossed by the Bailiff were not handed out to the petitioner and amongst those articles، بڑا گولڈ کا سیٹ، admittedly included. He states that the signature of the petitioner available at page 155 detailed as ادائیگی حق مہر was denied, which suggested that the petitioner had received dower amount of Rs.50,000/- are fake as the petitioner had denied these signatures, hence in such circumstances it was incumbent upon the Trial Court to call hand writing expert, which exercise has not been done by the Trial Court, where in a cursory manner, the Trial Court through its judgment dated 28.09.2022 only granted maintenance of Rs.7,000/- per month that too for the *Iddat* period and held that the petitioner (plaintiff) was not entitled to the dower amount as well as even those articles which were marked as 'X' having not been received by the petitioner. No cogent reasons for such a conclusion are available in the judgment. Learned counsel for the petitioner states that while the petitioner challenged those findings through Family Appeal No.304 of 2022, the Appeal was dismissed also.

In these circumstances, both the impugned judgments are *set aside*, the trial Court to re-hear the parties and re-appreciate the evidence afresh and pass a fresh judgment preferably within three months.

This petition is accordingly disposed of in these terms.

JUDGE