

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP NO.S-2018/2018

Date

Order with signature of Judge

29.11.2022

M/s. Rukhsana Yasmeen and Shagufta Parveen advocates

Respondent No.1 Mst. Samina present.

Mr. Abrar Ali Khichi, APG

Mr. Zahid Farooq Mazari, AAG.

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This petition challenges the judgments recorded by both courts below whereby suit for recovery of dowry articles was decreed and due to non-payment in execution proceedings by order dated 05.07.2022 petitioner was sent to the prison to suffer for imprisonment of one year. Meanwhile a statement was preferred with regard to payment of partial decretal amount and that was disposed of by order dated 10.10.2022 in terms that judgment debtor (petitioner) shall arrange Rs.100,000/- out of decretal amount of Rs.370,000/- and he shall submit surety of remaining amount; that statement was allowed conditionally. According to counsel, that statement was acted upon and Rs.100,000/- were deposited as well surety was submitted; but decree holder (respondent) resisted to receive the amount hence petitioner is yet in prison. Besides, it is contended that petitioner being a cardiac patient, having severe ailment of skin disease and doctor of Central Prison Karachi has submitted report contending therein that petitioner is in serious ailment having different ailments including cardiac disease while in confinement.

Under these circumstances, on the condition as fixed by the family court, petitioner shall be released in terms of order dated 10.10.2022 by the family court if same is complied with.

At this juncture while keeping in view the report from the Central Prison Karachi which reflects that during detention petitioner has developed new ailments that is macula rashes over genital areas. Accordingly, I.G. Prisons shall submit complete detail of the inmates of all prisons in Sindh having skin diseases, by calling report from the Medical Officers and treatment provided as well precautionary measures taken by them and reason of such skin diseases when admittedly at the time of conviction they were not having such diseases. Besides, Secretary, Health Department, Government of Sindh and D.G. Health shall ensure monthly visits of skin specialists to prisons and inmates having skin related diseases shall be treated accordingly.

To come up on 20.12.2022.

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