

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No.S-857 of 2022

[Mst. Almas Iqbal vs. Learned 7th ADJ Hyderabad & Others]

Date	Order with signature of Judge
1.	For orders on office objections
2.	For orders on MA No.3261/2022 (Stay)
3.	For hearing of main case.

27.01.2025

Mrs.Razia Ali Zaman Patoli, Advocate for the Petitioner

Mr.Aqeel Ahmed Siddiqui, Advocate for the Respondent No.3

Through this constitution petition, the petitioner impugns the Order dated 24.10.2022, passed in Civil Revision Application No.67 of 2022 by VII-Additional District Judge, Hyderabad (“**the Revisional Court**”), whereby modified the Order dated 09.5.2022, passed in Family Execution Application No.178 of 2017, by the Family Judge, Hyderabad.

2. Upon meticulous examination of the records and after deliberations with the learned counsel for both parties, it becomes unequivocally clear that the petitioner challenges the Revisional Court's Order dated 24.10.2022, which modified the Family Court's Order dated 09.5.2022 regarding maintenance and dowry. The Family Court's original decree mandated the return of gold ornaments or their market value in conjunction with the disbursement of maintenance and dower. However, the Appellate Court's decree dated 07.01.2020 modified certain elements, notably setting aside medical expenses and the wife's maintenance yet sustaining the minor's maintenance and dowry repayments. It is imperative to note that the Revisional Court's inclusion of Rs.75,000/- for medical expenses contravenes the final Appellate Court decree and is, thus, subject to rectification. Furthermore, the record unequivocally demonstrates that the dower amount of Rs.50,000/- has already been deposited by Respondent No.3, as substantiated by the receipt dated 01.10.2021. The minor's maintenance of Rs.6,000/- per month, subject to a 10% annual increment from 21.01.2017, remains uncontroverted and shall be adhered to by Respondent No.3. Pertaining to the amount of Rs.1,00,000/- for damaged articles and Rs.4,00,000/- for gold ornaments, the Revisional Court's determination aligns with the Family Court's decree, which entitles the petitioner to the residual dowry articles, including gold ornaments, or their equivalent value of Rs.7,00,000/- in

instances of loss or harm. Moreover, the prayer clause in the petitioner's original plaint explicitly solicits the restitution of gold ornaments valued at Rs.4,00,000/- and dowry articles or their cost amounting to Rs.4,00,000/-. Consequently, the petitioner is rightfully entitled to Rs.4,00,000/- for gold ornaments as per the original decree, corroborated by the appellate court's decree. Despite the dowry articles being restituted on 30.04.2021, their compromised condition justifies the additional recompense of Rs.1,00,000/- for the damage incurred. Lastly, the salary garnishment rate of 35%, with a provision to escalate to 50% upon non-compliance within 12 months as adjudicated by the Revisional Court, is deemed equitable and ensures the respondent's compliance within the stipulated timeframe.

3. With these observations, the present petition stands duly disposed of, along with pending miscellaneous applications.

JUDGE

Sajjad Ali Jessar