

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No.S-267 of 2024

[Mst.Misbah vs. Muhammad Umair and others]

Date	Order with signature of the Judge
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1. For order on M.A No.863 of 2024
2. For order on M.A No.1154/2024
3. For order on office objections
4. For hearing of main case.

24.01.2025

Mr. Muhammad Aslam @ Rao Ahmed Raza, Advocate for the Petitioner

Mr.Toseef Ahmed Chandio, Advocate appeared and filed Vakalatnama on behalf Respondents No.1 and 2, which is taken on record

Mr.Allah Bachayo Soomro, Additional .A.G Sindh

Through this writ petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner has approached this Court seeking to set aside the impugned judgment and decree dated 08.04.2024, passed by the Additional District Judge, Shahdadpur, in Family Appeal No.43 of 2023 (re: Mst.Misbah vs. Muhammad Umair and another). The aforementioned judgment dismissed the petitioner's appeal, thereby upholding the judgment and decree dated 25.10.2023, passed by the Civil/Family Judge-II, Shahdadpur, in Family Suit No. 88 of 2022, which decreed the suit filed by petitioner by holding that she is entitled to Iddat period maintenance of Rs.8,000/- per month from 15.3.2021 until the end of the Iddat period so also to recover the remaining dowry articles listed by the defendant and those in Exh-12/D, or an alternative amount of Rs.4,00,000/- and that she is not entitled to the dower amount, as she has willingly and consensually relinquished it.

2. Given that the petitioner has challenged the concurrent findings of the Courts below herein under the Writ jurisdiction of this Court, it necessitates that learned counsel for the petitioner elucidate the jurisdictional defect purportedly committed by the courts below in rendering the impugned Judgments and Decrees. Upon inquiry, the learned counsel contends that the petitioner's suit was not decreed as prayed and argues that there is a misreading of the evidence. It is paramount to emphasize that, pursuant to Article 199 of the Constitution,

this Court's jurisdiction is circumscribed to intervene solely in instances of a manifest miscarriage of justice. However, no such miscarriage is discernible in the present case. Should this Court proceed to re-evaluate or adjudicate upon the factual determinations of the lower courts, it would, in essence, be tantamount to entertaining an appeal against the appellate Court's judgment. An act that exceeds the boundaries of this Court's jurisdiction as delineated by the Supreme Court of Pakistan in the case of *M. Hamad Hassan*¹.

3. For the reasons stated above, this petition is devoid of merit both in law and on the facts. Accordingly, it is hereby **dismissed** along with all pending miscellaneous applications.

JUDGE

Sajjad Ali Jessar

¹ M. Hamad Hassan v. Isma Bukhari (2023 SCMR 1434)