

ORDER SHEET  
**IN THE HIGH COURT OF SINDH,**  
CIRCUIT COURT, HYDERABAD.

C.P. No.S- 197 of 2025

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1. For order on office objection (s)
2. For order on M.A No.652/2025
3. For hearing of main case

07.11.2025.

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The petitioner-former husband, Inamullah, is aggrieved by the judgment dated 18.04.2025 passed by the lInd learned Additional District Judge, Dadu, in Family Appeal No.1/2025, upholding the judgment and decree dated 19.11.2024 passed in the respondent-former spouse, Kashmala Qureshi's Family Suit No.131/2024 by the Family Judge, Dadu. The petitioner-former husband has averred in this petition that the judgments passed by the two lower forums were passed "without lawful authority" and "is of no legal effect", because the list of dowry articles was/is allegedly a computerised printout, prepared by the respondent-former wife's Advocate and is an afterthought and not true.<sup>1</sup> The petitioner-former husband has also alleged that the references to the gold ornaments by the two forums are arbitrary and unjustified.<sup>2</sup> Finally, he contends that the maintenance amount of Rs.7,000/- till the iddat period is unreasonable, as he has no government job with a meagre income of Rs.35,000 per month, he cannot afford to pay any payment, hence the appellate court's judgment dated 18.04.2025 should be set aside.<sup>3</sup>

The petitioner's Counsel has not attended any hearings since 04.08.2025. Although cautioned concerning their non-appearance, it has been to no avail. This is the fourth hearing date, and neither the petitioner-former husband, himself, nor any representative is present, and no intimation has been received. In fact, the petitioner's Counsel has remained absent since the institution of this writ on 11.08.2025, 20.10.2025, 31.10.2025 and again today, i.e., 07.11.2025. Meanwhile, the Counsel for the petitioner has

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<sup>1</sup> Paragraph #2 of the Grounds in the memo of the petition (page 9 of the petition).

<sup>2</sup> Paragraph #5 of the Grounds in the memo of the petition (page 11 of the petition).

<sup>3</sup> Paragraph #11 of the Grounds in the memo of the petition (page 13 of the petition).

also filed two separate Statements dated 04.09.2025, one statement attaching the order and diary sheet of 17.05.2025 and objections filed by him, available in the record of the Family Execution No.21/2025, and another statement attaching the Family Court Judge Dadu's notice to the Assistant Director to block the petitioner's CNIC, and another notice to the SHO, P.S. Haroonabad issuing non-bailable warrant of arrest in the family execution. It appears that the petitioner has lost interest, as even his pleader is not pursuing the matter as petitioner's side is, once again, called absent today. I would have dismissed the petition for non-prosecution; however, there is sufficient material available on record to dispose of this case on the merits.

At the outset, it is to be noted that the petitioner has invoked writ jurisdiction, and the challenge under the Constitution is different from a challenge in appeal. The petitioner has had his opportunity to avail himself of the remedy of appeal. He arrives at the doorstep of the proverbial constitutional court, having exhausted such a remedy. Now, the scrutiny of the two judgments passed against him has a narrower focus than that of an examination by this bench, whether the appellate Court's judgment "is without lawful authority" or "is of no legal effect". In this context, I take up the petitioner's first ground that his former spouse did not prepare the list of dowry items at the time of the marriage. The plea set up in defence is neither here nor there. The list was not prepared at the time to serve as evidence of acknowledgement and receipt. The point is that the list of dowry items is a list, and its purpose is to specify the items received. The respondent alleges that the items formed part of the dowry; that's it. The timing of the preparation of the list of dowry items and who has submitted it in Court is immaterial. The contents of the list must be viewed from the respondent's claim against her former husband, the petitioner. To this end, a detailed discussion on this issue is provided, based on the evidence recorded by the parties, both by the Family Judge and the Appellate Court. Indeed, suffice to say, that when the petitioner filed his written statement, he admitted in paragraph 4 of the written statement to the existence of the dowry items, and only the matter of identifying each item was left for the recording of evidence. Finally, when the petitioner pronounced divorce on the respondent by way of a divorce deed, he made no mention of the dowry items either. I do not find any specific challenge to the trial court's findings, and, even otherwise, the trial Court has not entirely accepted the respondent's version, which has been subjected to scrutiny by the Court and found proven against the petitioner, based on

reasons put forth by the Family Judge. I see no reason to interfere with the Family Judge's findings and those of the Appellate Court on this issue.

The petitioner's claim that the respondent's claim for gift of gold to her left behind is arbitrary and unjustified does not inspire confidence. The learned Family Judge has discussed the evidence brought on record and found the issue of gold ornaments in favor of the respondent and against the petitioner. The petitioner-former husband has miserably failed to identify specifically his objection concerning the unsustainability of the respondent's claim for gold ornaments. Accordingly, the challenge raised in the petition lacks any merit.

I now turn to the petitioner's claim that the maintenance amount is unreasonable. To this end, it is apparent from the record available in the petition that the respondent claimed a higher amount; however, the same has not been granted by the Family Judge. The petitioner has not articulated why the payment of Rs.7,000 till the iddat period, is exaggerated, except that he has a meagre income. This is not sufficient ground to interfere in the quantum determined by the Family Judge, particularly, given that the petitioner, did not pay a penny to the respondent during the marriage. At that moment in time, when the respondent was entitled to receive maintenance from her husband, he did not make any such payment. Now, after the petitioner has himself pronounced divorce by way of divorce deed, he cannot plead that he has no money. He ought to have fulfilled his statutory and Islamic duties, and the recurring payment would not have appeared beyond his means had he made the monthly payments. However, he chose not to support his wife. Once again, I find no grounds to interfere in the appellate judgment on this score.

Given the above reasons, the petition is dismissed along with all pending applications.

JUDGE

Tufail