

**IN THE COURT OF MUHAMMAD AMIR MUNIR
ADDITIONAL DISTRICT JUDGE, DEPALPUR**

Family Appeal No.27 of 2026
Date of institution:17.03.2026
Date of Decision: 05.05.2026
CMS No.71463926

Khalida Naseem Vs. Bashir Ahmed etc.

**FAMILY APPEALS AGAINST CONSOLIDATED JUDGMENT &
DECREE DATED 18.02.2026, PASSED BY MR. IMRAN ANWAR
KHATANA, LEARNED JUDGE FAMILY COURT, DEPALPUR
WHEREBY SUIT FOR DOWRY ARTICLES FILED BY THE
APPELLANT / PLAINTIFF WAS PARTIALLY DECREED.**

Malik Abid Nazir Jhakkar Advocate, learned counsel for
appellant/Plaintiff.
Mr. Ch. Muhammad Akram Shad Advocate, learned counsel
for the respondents/defendants.

Family Appeal No.35 of 2026
Date of Institution:14.03.2026
Date of Decision: 05.05.2026
CMS No.68919426

Wazeer Ahmad etc. Vs Mst. Khalid Naseem.

**FAMILY APPEALS AGAINST CONSOLIDATED JUDGMENT &
DECREE DATED 18.02.2026, PASSED BY MR. IMRAN ANWAR
KHATANA, LEARNED JUDGE FAMILY COURT, DEPALPUR
WHEREBY SUIT OF RESPONDENT / PLAINTIFF FOR
RECOVERY OF DOWRY ARTICLES AND DEFERRED DOWER 7
TOLA GOLD ORNAMENTS PARTIALLY DECREED.**

Ch. Muhammad Akram Shad Advocate, learned counsel for
the appellants.
Malik Abid Nazir Jhakkar Advocate, learned counsel for
respondent.

Family Appeal No.28 of 2026
Date of Institution:17.03.2026
Date of Decision: 05.05.2026
CMS No.71467726

Khalida Naseem etc. Vs. Wazir Ahmed.

FAMILY APPEALS AGAINST CONSOLIDATED JUDGMENT & DECREE DATED 18.02.2026, PASSED BY MR. IMRAN ANWAR KHATANA, LEARNED JUDGE FAMILY COURT, DEPALPUR SUIT OF APPELLANTS / PLAINTIFFS FOR MAINTENANCE WAS PARTIALLY DECREED.

Malik Abid Nazir Jhakkar Advocate, learned counsel for appellants.

Ch. Muhammad Akram Shad Advocate, learned counsel for the respondent.

Family Appeal No.34 of 2026

Date of Institution: 14.03.2026

Date of Decision: 05.05.2026

CMS No.68928626

Wazeer Ahmad. vs. Mst. Khalid Naseem etc.

FAMILY APPEALS AGAINST CONSOLIDATED JUDGMENT & DECREE DATED 18.02.2026, PASSED BY MR. IMRAN ANWAR KHATANA, LEARNED JUDGE FAMILY COURT, DEPALPUR WHEREBY SUIT OF RESPONDENTS / PLAINTIFFS FOR MAINTENANCE WAS PARTIALLY DECREED.

Ch. Muhammad Akram Shad Advocate, learned counsel for the appellant.

Malik Abid Nazir Jhakkar Advocate, learned counsel for the respondents.

CONSOLIDATED JUDGMENT:

05.05.2026

Through this consolidated judgment, I intend to disposed of above mentioned four appeals which arise out of consolidated judgment and decree passed by Mr. Imran Anwar Khatana, learned Judge Family Court, Depalpur whereby the two suits filed by the plaintiffs against the defendants were partially decreed. Parties to both the suites, feeling aggrieved from the impugned judgment and decree, have impugned the same before this court under above four appeals.

2. For ready reference, the plaintiffs to both the suits will be mentioned here as the appellants and the defendants will be referred to as respondents for ease of parties, their learned counsel, the Courts and readers of this consolidated judgment.

3. The appellants in both their appeals have challenged the impugned consolidated judgment and decree and prayed that both the suits be decreed as prayed for.

4. The respondents, on the other hand, in the two appeals have also impugned the said consolidated judgment and decree with a prayer that two suits of the appellants/plaintiffs be dismissed.

5. Both sides have also contested the appeals of the opponent party.

6. For better understanding of the facts of the suits, it would be appropriate if the relevant paragraphs No.1 to 5 from the impugned consolidated judgment are reproduced. They read as under:

“1. Mst. Khalida Naseem as ‘plainitff’ being biological mother of Eman Noor, Hadia Noor and Muhammad Aneeque Ahsan as “minors” claimed maintenance, dowry articles and deferred dower from her husband Wazeer Ahmad as ‘defendant No.1’ and Bashir Ahmad as defendant No.2 by instituting two suits with the contention that marriage between the parties was solemnized on 17.12.2007, habilitated in his house alongwith dowry articles, detailed in the list annexed with the plaint. Relation went strained, resulted into her expulsion. Defendant man of means, bound to satisfy her claims, as detailed in plaints.

2. Defendants were summoned, contested the suit by filing contesting written statement and controverted the contents of the plaint on factual as well as legal aspects.

3. Pre-trial reconciliation proceedings were conducted but failed. Firstly issues were framed on 09.05.2024 but later on out of divergent pleadings of the parties,

following consolidated issues were framed vide order dated 07.12.2024.

CONSOLIDATED ISSUES:

1. Whether plaintiffs are entitled to recover maintenance allowance from defendant? If so at what rate and for what period? OPP
2. Whether plaintiff No.1 is entitled to a decree for recovery of dowry articles valuing Rs.15,12,500/- alongwith gold and silver ornaments from the defendant? OPP
3. Whether the plaintiff is entitled for haqmahr i.e. gold 7 tolas?
4. Relief

4. **ORAL EVIDENCE OF PLAINTIFF**

- i. Mst. Khalida Naseem as PW-1,
- ii. Nazeer Ahmad.

DOCUMENTARY EVIDENCE OF PLAINTIFF

- i. Affidavits of witnesses as Ex.P1 and P2,
- ii. Copy of Nikah Nama as Mark-A,
- iii. Copy of disability certificate as Mark-B,
- iv. Medical certificate as Mark-C,
- v. Fees voucher as Mark-D,
- vi. Certified copy suit titled “Abid Vs Wazeer Ahmad” alongwith written statement as Mark-E.

5. **ORAL EVIDENCE OF DEFENDANT**

- i. Wazeer Ahmad as DW-1
- ii. Muhammad Latif as DW-2 (lateron given up being unnecessary)

DOCUMENTARY EVIDENCE OF DEFENDANT

- i. Affidavit of witnesses as Ex.PD1 & Ex.D2,”

7. After failure of the post-trial reconciliation efforts, final arguments were heard from both sides, whereafter, by the impugned

consolidated judgment and decree, the two suits filed by the appellants were partially decreed in following terms:

“The sequel of what has been discussed above, suit of plaintiffs is hereby partially decreed as under:

- A. This Court deems it just and proper to fix maintenance for the three minors at the rate of **Rs.9,000/- per month each** from the date of institution of the suit till they attain their legal entitlement, with an annual increase of 10%*
- B. Plaintiff No.1 (wife) is held entitled to maintenance for the iddat period only, which is fixed at **Rs.8,000/- per month** for the said period.*
- C. A consolidated decree for recovery of dowry articles to the tune of **Rs.1,25,000/- (PKR)** is hereby passed in favour of the plaintiff and against the defendant.*
- D. Her claim for gold ornaments is rejected.*
- E. Plaintiff is held entitled to recovery of deferred dower equivalent to **7 tolas of gold** as mentioned in column No.16 of the Nikahnama, or its market value prevailing at the time of realization.”*

8. Now, the appellants/plaintiffs have impugned this consolidated judgment and decree arguing that the defendant/respondent has admitted dowry articles in para No.2 of the written statement in suit for dowry; that the learned Trial Court has not granted the full dowry articles; that the respondent has taken contradictory pleas in written statement and the evidence; that the appellants were illegally ousted from the house of the respondent in August 2023; that in such like situation, the dowry was illegally kept by him in his house including gold jewelry; that the suit of the appellant for dowry articles, gold jewelry be decreed as prayed for. With respect to the suit for maintenance, it has been argued that the respondent has failed to establish that what was his real/actual income and thus the evidence of the appellants have to be relied upon to

consider that the respondent is man of means; that after illegal ouster, the appellants have not been paid any maintenance; that it is legal and moral and religious duty of the respondent to pay maintenance to his deserted wife and the children; that the respondent has failed to produce any evidence in support his contentions mentioned in the written statement to the two suits; that he even failed to establish that the affidavit Ex.DA was genuinely prepared document on his behalf; that the children are school going and thus their education, transportation charges to school and medical expenditures etc have to be borne by the defendant/respondent as per actual expenses; that if the respondents/defendants take contradictory pleas in his written statement as well as in his evidence, the preponderance of evidence will be deemed to be in favor of the appellants/plaintiffs; that a father has to establish his income and all such sources by himself while he cannot take shield of burden of proof on appellants because once a plea is taken in family suit by the appellants that the respondent has sufficient sources, then burden shifts upon the respondent to deny such claim through cogent oral and documentary evidence; that the respondent is failing into it although he is a soldier and was able to produce his salary slip to show his income; that withholding such evidence is to give negative presumption against him; that the suit for maintenance be also decreed in terms that the maintenance of all the appellants/plaintiffs be enhanced as per memo of appeal.

9. Conversely, the respondent in both suits has argued that the rate of maintenance is quite above his financial resources; that all the dowry is already in possession of the appellant No.1; that 20-years have passed since marriage and hence the dowry has already lost all its value; that the appellants have infact ousted him illegally from house which was constructed by him by taking loan form Askari Bank; that the house was constructed on a property purchased from brother of the plaintiff No.1 but due to some dispute, the appellants have illegally ousted the defendant/respondent from said property; that parties are close relatives; that the respondent has already

contracted second marriage and has a daughter and parents in law as well; that his total income is Rs.42,000/- per month as his salary from department; that the appellants have themselves admitted that they were provided food items by the father of the appellant No.1 and hence this shows the poor financial status of the respondent; that neither the respondent has any dowry articles in his possession nor he can afford the granted maintenance to the minors. He prayed that the two suits of the appellants be dismissed. However, during arguments for the maintenance, he prayed that it be reduced keeping in view his own financial resources.

10. Arguments heard. Record perused.

POINT FOR DETERMINATION:

11. Now, after hearing the arguments, going through the whole record and from the evidence of both side, the points for determination before this Court are as under:

- a. Whether the maintenance of the minors has to be enhanced keeping in view the financial resources of the respondent?
- b. Whether the respondent is financially weak person and hence the maintenance has to be reduced sufficiently?
- c. Whether the appellant No.1 is entitled to claim dowry articles as prayed for?
- d. Whether the appellant No.1 is entitled to gold jewelry as part of her deferred dower?
- e. Whether the suit for dowry articles is frivolous and thus liable to be rejected?
- f. Whether any other appropriate relief may be granted to the parties, keeping in view the pleadings and evidence?
- g. What may be the order of the Court?

DECISION AND REASONS THEREON:

12. After going through the arguments and the record of the learned Trial Court, above points for determination are decided in terms that the appellants/plaintiffs appeals have to be partially

allowed, while the appeals filed by the respondents / defendants have to be dismissed.

SUIT FOR MAINTENANCE:

13. The respondent (Wazir Ahmad) has contested the suit for maintenance by mentioning his salary as Rs.72,000/-. The appellant No.1 has also claimed the income of her husband/respondent to the suit for maintenance as Rs.75,000/-. It means that the question of income of the respondent (Wazir Ahmad) is not so much in dispute. Now, the only question for determination before this Court remains as to whether the quantum of the maintenance has been appropriately determined by the learned Trial Court after looking into evidence. We have to note that the parties have three children who are student age while one of these children is a special person having special requirements of medicine, pamper and milk etc. Therefore, if we have to divide the income of the respondent (Wazir Ahmad) between himself and his family/plaintiffs/appellants, it would be sufficient if the maintenance of the minors is enhanced and fixed at the rate of Rs.10,000/- per month at an enhanced rates because the defendant has also admitted his salary at the rate of Rs.72,000/- in his affidavit Ex.D1. This way, the minors will only be getting approximately 42% of his income from his salary. The rising costs of the food, fuel, medicine, and every other item like milk etc is one of the reasons for enhancing the maintenance little further. We must note that the maintenance awarded to the appellant No.1 as her Diyat allowance is only for three months approximately. This burden will automatically finish at the end of Diyat period and payment of this amount. There is no valid ground by the appellant No.1 to raise her own maintenance allowance in this regard. Hence, her iddat period maintenance is maintained accordingly.

14. However, we have to discuss about the medical issue of the minor child, who is a special child. We all know that in Pakistan, there is rare to see if family courts take up the social scientists to make

an informed decision in family law.¹ To ensure her good health and better upbringing, her special needs required little different treatment for this purpose. Courts cannot shut their eyes on this aspect keeping in view the constitutional fundamental right of dignity² and State responsibility from the Principles of Policy³ mentioned in the Constitution of Pakistan 1973⁴ where it is mentioned that “[t]he State shall protect the marriage, the family, the mother and the child”⁵ have always to be kept in mind by the courts while dispensing justice. Economics of family law jurisprudence is thus to be taken up under a holistic approach.⁶ Hence, we have to look at the issue with more sensitivity. There is a tool to do so and it is therapeutic jurisprudence (TJ)⁷ lens. It helps us to see the law for its therapeutic application to the parties where the legal actors try to find out ‘healing capacity of law’ for the end users of family justice system.⁸ Therefore, this court is of the firm view that the medical expenditures on the basis of prescription of an authorized medical practitioner from a Government Hospital or Army Hospital have to be reimbursed to the appellant No.1 by the respondent Wazir Ali. Further, if any such Doctor or Hospital recommends private treatment, in such like cases, any of her medical needs including expenditure on medicines have to be finally borne and paid by the respondent, apart from the above determined regular monthly maintenance. For this purpose, the appellant No.1 has

¹ For understanding the role of social scientists in family law administration, see generally https://www.ecu.edu.au/data/assets/pdf_file/0004/685273/19_Allan_TJ_Fam_Court.pdf. Last accessed 5 May 2026.

² See Article 14 of the Constitution of Pakistan, 1973. <https://www.pakistani.org/pakistan/constitution/part2.ch1.html>. Last retrieved 5 May 2026.

³ <https://pakistani.org/pakistan/constitution/part2.ch2.html>. Last retrieved 5 May 2026.

⁴ For the authentic and up-to-date text of the Constitution of Islamic Republic of Pakistan 1973, visit official website of Pakistan Code at <https://pakistancode.gov.pk/pdf/files/administrator9d8e2ecc414c6d3371ac41114b61a2c4.pdf>. Last retrieved 5 May 2026.

⁵ See Constitution of Islamic Republic of Pakistan, 1973.

⁶ In Punjab Province, the relevant law is accessible at <https://punjablaws.punjab.gov.pk/uploads/articles/punjab-empowerment-of-persons-with-disabilities-act-2022-xlii-of-2022-pdf.pdf>. Last retrieved 5 May 2026.

⁷ More literature on TJ is accessible at <https://intltj.com/>. Last retrieved 5 May 2026.

⁸ To understand TJ and its application for child related justice, see a recent judgment of Hon’ble Supreme Court of Pakistan *Mehran v Ubaid Ullah*, PLD 2024 SC 843, which deals with juvenile justice matter. However, it has shown us ample guidance and pathway for Pakistani courts to move on, realize and apply the principles of TJ on family law issues as well, wherever they are relevant. ‘Best interest of the Child’ is the key phrase in this regard.

to submit receipts of any such expenditure before the learned Executing Court including prescription by a registered medical practitioner and subsequent purchase of any medicine. Said learned Court will then execute the said request as part of the maintenance.

QUESTION OF DOWRY ARTICLES:

15. With respect to question of dowry article, the marriage of the appellant/plaintiff to the suit for dowry articles with respondent No.1 (Wazir Ahmad, to that suit) was solemnized on 18.12.2007 and the relations between the parties allegedly became so strained, that in August 2023, the appellant No.1 was removed from the house of said respondent alongwith three children. It means that the parties lived together for almost 15 ½-years. Thereafter, it is found that the appellant with minor children is living with her parents. The claim of the appellant is that her dowry articles, as mentioned in Para No.3 of the plaint, have been kept by the two respondents and thus she claims that they be returned to her or in the alternative their price calculated to be Rs.15,12,500/- be granted alongwith any other appropriate relief. In written statement, the respondents to the suit for dowry have not only denied the dowry articles but raised their own counter claim in terms that the appellant and her brothers have illegally got possession of a house of the respondents while she has also to return 7-tolas gold given to her as Haq-Mehar in the case of Talaq. They have also taken another contesting plea that all the dowry articles were actually shifted by the appellant alongwith some articles valuing Rs.5,00,000/- belonging to the respondent No.1, to the house of the parents of the appellant by her in his absence. He also claims that he divorced the appellant due to said dispute between the parties. When we look these pleadings, one thing becomes clear that the respondents have admitted the dowry articles in Para No.2 of the written statement while he denies any dowry articles in Para No.2 on facts of the said written statement. This is admission of the dowry articles halfheartedly by the respondents. The evidence of the parties is looked into to see if the pleadings are established. It is found that the PWs have established

their stance of dowry items through their evidence. Even in cross-examination on PWs, nothing material was confronted except about the gold jewelry. The evidence of the respondents is affidavit of respondent No.1 (Wazir Ahmad) as Ex.D1/1. In this affidavit the respondent has tried to show that the appellant has taken away her stated dowry back to her parent's home. There is no other witness from the respondent on this dimension. In cross-examination, he could not establish that the affidavit was actually got prepared from Depalpur. Conversely, he stated that the affidavit was got prepared at Okara. Hence, even the respondent has failed show that Ex.D1/1 was created in Depalpur. In cross-examination, when a question was put to him about dowry articles that the appellant has never taken back her dowry items, he simply denied the question. With respect to the status of the appellant's family, he admitted that her father has agricultural property and one brother is an advocate of High Court. With respect to the question that one brother of appellant lives in abroad, he has shown ignorance about this fact. We must note that the parties are very close relatives with each other, and thus this fact shown as ignorance of the respondent is merely to misled the court. Thus, it becomes apparent that the appellants has established her claim of dowry articles as the respondents have not been able to scrap this evidence or to establish their own counter claim mentioned in Para No.3 of the written statement. Instead of establishing any counter claim, even no other witness has been produced by the respondent in support of his own pleadings and averments. It is also strange that his father is defendant in suit for dowry articles but still he has not appeared to depose as well. There is no authority shown on record that the defendant/Respondent Wazir Ali is authorized to depose on behalf of his father. Hence, the evidence is also un-rebutted against said respondent (the father in law of the appellant).

16. Now, we look at the issue of dowry articles in the plaint. First of all, it is important to mention that contextual disciplines of knowledge like economics and accounting have to be applied by the

courts in family law cases to reach a just conclusion. It is so because no one can be allowed to do ‘unjust enrichment’ at the cost of the other by taking shield of non-applicability of laws of procedure and evidence on family matters. The concept of women empowerment with respect to control over their property is well recognized in the Constitution of Pakistan, in its Part II (Fundamental Rights and Principles of Policy).⁹ The World Bank has recently released a report on the topic of women, business and the law to mention that such control and rights by women have to be protected to maintain equality between the spouses.¹⁰ In this light of this literature, we all understand that, at the time of recording of evidence in a family suit, the dowry items cannot be separately and precisely identified and priced for a suit for dowry articles where a reasonable period has lapsed. It is for one reason that the Code of Civil Procedure 1908 and the Qanun-i-Shahadat Order 1984 are not applicable on family law cases. Therefore, only tentative assessments about dowry and their alternative price are generally made by the courts while deciding these suits keeping in view the facts and circumstances of each case. In light of this, when we look at the evidence in this case, the dowry items shown in the plaint and supported by the evidence of the appellant No.1 are found ordinary items with ordinary prices keeping in view the year 2007 when they were allegedly purchased. Now, approximately 17 years have been lapsed from the date of marriage between the parties, and the illegal ouster of the appellants/plaintiffs by the respondent Wazir Ali, in 2023. Certainly, dowry items have lost much of their face value over time due to use, age, wear and tear. This price reduction is called ‘depreciation’¹¹ in accounting terms.

⁹ See *Fazal Jan v Roshan Din*, PLD 1990 SC 661. This case relates to inheritance issue. However, the basic concept of women’s right over their property is well-described in this case.

¹⁰ World Bank. 2026. Women, Business and the Law 2026: Benchmarking Laws for Jobs and Inclusive Growth. World Bank. doi:10.1596/978-1-4648-2196-7. License: Creative Commons Attribution CC BY 3.0 IGO. For accessibility, visit <https://hdl.handle.net/10986/44315>. Last retrieved 5 May 2026.

¹¹ Deepseek was prompted by this Court: “Define Depreciation”.

However, although some items may fade from view or even disintegrate through use and age, many others retain both their physical existence and at least a minimal monetary value, even after a long period has passed.

17. Still further, we have also to see an important dimension about usage of dowry items by a husband himself during existence of marital relationship, who in the instant case is Wazir Ali, the respondent/defendant. It is so because the dowry items are used not only by the wife or children in a home but the husband is also a beneficiary of these items in his own home at the expense of dowry provided by his in-laws or the personal items of his wife. This phenomenon is irrefutable. Thus, a husband becomes equal user of all the relevant items from the received dowry as well. It means, he is also a contributory to the 'depreciation' in price of these items over the years. When we look at the issue from this angle, we have also to consider '**appreciation**'¹² in the value of the dowry, once their depreciated value is calculated. In equitable parlance, it may be called as 'fair usage compensation'.¹³ This is to balance the role of the respondent with respect to using the dowry items until they are in his house. In this context, the Court has looked into the dowry items shown in pleading and established through evidence by the Appellant/plaintiff. We must note that we will deal with the jewelry separately. The price alleged for these dowry items comes to

It responded: "**Depreciation** is the gradual decrease in the value of an asset over time due to factors such as wear and tear, usage, age, or obsolescence. In accounting and finance, it is a method used to allocate the cost of a tangible asset (e.g., machinery, vehicles, electronics) over its useful life. Depreciation reflects how an asset loses value as it is used or as time passes, rather than a sudden drop in price. Common causes include physical deterioration and economic factors like market changes or new technology making the asset less valuable."

¹² Raising back the price of dowry items, once depreciation is considered and calculated by the Court on tentative assessment. This we need to incorporate in our family law jurisprudence as the womenfolk is suffering lack of application of this principle that the husband is himself a user of dowry items and thus a contributory to their depreciation.

¹³ Deepseek was prompted by this Court: Briefly define 'fair usage compensation' in family law context.

Deepseek Responded: In the context of family law, fair usage compensation is an equitable remedy that requires one spouse to pay the other for the benefit derived from the exclusive or primary use of the other spouse's separate property (such as dowry articles) during cohabitation. It is not a market-based rental fee but a discretionary sum awarded by a court to prevent unjust enrichment, separate from depreciation or return of the assets themselves.

Rs.10,52,500/- [15,12,500 (general items) - 400,000 (gold) - 60,000 (silver)]. If we calculate 10% per annum as depreciation for 16 years (from 2007 till 2023), in accounting terms, on tentative assessment, then this amount comes to Rs.1,95,000/- (in round figures). This depreciation is until August 2023, when the appellant / plaintiff was ousted from her house illegally by the respondents and hence she is not responsible for any further loss or damage to anything in the dowry nor to any further depreciation until the same is returned. Now, we have to add value for the appellant/plaintiff for use of dowry by the respondent / defendant during these years as 'fair usage compensation' so that there is no 'unjust enrichment' by the husband / defendant / respondent. The depreciated value of the dowry (1,95,000) is multiplied by a factor of 2 to arrive at fair compensation to the wife, effectively neutralizing 50% of the total depreciation originally applied. The amount then will be Rs.3,90,000/- (1,95,000*2=). Hence, it is accordingly determined by this court as alternative value of dowry (except jewelry) to be paid to the appellant/plaintiff, by setting aside the alternative value determined by the learned trial court.

18. After this dimension, this Court is also of the view that since August 2023 until the decree is actually executed in favour of the appellant, the respondents are held to have the above dowry articles illegally in their possession. Therefore, it will also be just under the given circumstances of the matter that a tentative rental amount of Rs.10,000/- per month is also imposed upon the respondent for keeping the said dowry items with them illegally. This rent will continue on dowry articles until either dowry articles are returned or their alternative price as determined above is paid back to the appellant/plaintiff. This is again to ensure that no one is unjustly enriched at the cost of others. This is economics; this is accounting. Family law has to go by them and administered accordingly. Economic and psychological sufferings of the women have to be eliminated by judicial application of family laws 'in-context', as

compared to merely applying the same ‘in-content’.¹⁴ Hence, this determination.

19. Now, with respect to the gold/silver jewelry, it is found that same is also part the items mentioned by the appellant in her plaint has also in her evidence/affidavits of the PWs. We are well aware that no parents depart their daughters without jewelry in this country no matter what is their financial status. This is due to a prevailing custom in this society. Hence, the respondent No.1 has failed to show that the gold and silver jewelry was not part of the dowry. Now, we have to see that how to deal with that. Let us discuss in next paragraphs.

20. There is an ‘established’¹⁵ phenomenon in our country that the women folk keep the jewelry very near and dear to them. We must also note that in a situation where the parties are in strained relationship, we cannot say that all the jewelry was kept by a wife (here appellant / plaintiff) in the house of her husband. So far so good. However, we must also note another fact that even after the above position, some part of the jewelry remain with the women folk to wear on functions like family marriages, birthdays, Eid Festivals, etc. In view of this, we cannot deny the gold and silver jewelry in toto to the appellant, particularly when it is established that she alongwith her children were illegally ousted from the house of the respondent. Thus, the findings of the learned Trial Court are found not based on these facts and contextual situation. Therefore, they need to be over ruled in

¹⁴ See Law and Justice Commission of Pakistan’s report on the *Conference on Climate Change - Navigating Climate Governance, Executive Action, and Judicial Oversight*, Islamabad: LJCP, 2024, at pp. 56-58, where the concepts of ‘in-content’ and ‘in-context’ jurisdictions of courts are explained by this author as:

... content jurisdiction is characterized by a narrow focus, where judges decide cases strictly based on legal statutes and mandates. This approach is relatively limited and does not engage with the broader implications of the legal outcomes, thereby making it less participatory.

In contrast, context jurisdiction requires judges to consider the wider context surrounding a case, including socio-economic, cultural, and human rights aspects. This approach is more holistic and participatory, as it goes beyond mere legal mandates to address the broader impact of judicial decisions.

The report is available online at:

[https://ljcp.gov.pk/SiteImage/Misc/files/Climate%20Change%20Conference%20final%201452%20\(24\)%20LJCP\(1\).pdf](https://ljcp.gov.pk/SiteImage/Misc/files/Climate%20Change%20Conference%20final%201452%20(24)%20LJCP(1).pdf). Last retrieved 5 May 2026.

¹⁵ Plethora of judgments of Hon’ble superior courts are available on this point that women keep jewelry near and dear to them.

terms that the appellant is made entitled to claim at least 1/4th of claimed gold and silver jewelry. It means that she will be entitled to 5-tola silver and half tola gold in terms that the respondent has to either return this much gold and silver to the appellant or in the alternative its market price on the day of execution of the judgment whatever may be the rate of gold and silver, respectively, on said date in Depalpur. The impugned consolidated judgment and decree have to be modified to this extent as well and the appellant/plaintiff is given benefit of this determination.

21. With respect to the gold jewelry of 7-tola, allegedly challenged by the respondent No.1, which is granted to the appellant under the impugned consolidated judgment and decree as per column No.16 of the *Nikah Nama*,¹⁶ it is found that as per column No.13, *Haq-Mehar* was mentioned, which was paid in cash at the time of marriage. In column No.16 of this document, it is further mentioned that 7-tola gold “will” become ownership of the bride. Clearly, this is deferred dower. In such like situation, it has to be paid on termination of marriage. Learned Trial Court has rightly mentioned the relevant law to deal with this much gold. Therefore, the findings of the learned Trial Court on issue No.4 are well-reasoned and calls for no interference by this appellate Court. It is also for the reasons that the respondent has taken a frivolous plea that he has given 7-tola gold to the appellant but which he could never establish in his evidence. It was mere a counter-blast by him, thus.

22. There is no other point for determination in the above appeals nor anything else is pressed by any party.

CONCLUSION:

23. For the whole discussion above, the two appeals filed by the Appellants / plaintiffs are partially allowed; while those of the ones filed by the Respondents / Defendants are dismissed. The costs

¹⁶ See Form II, annexed with the Rules under the Muslim Family Laws Ordinance, 1961. See generally, <https://nasirlawsite.com/laws/muflorul.htm>. Last retrieved 5 May 2026.

of the four appeals shall be upon the defendants / respondents. The impugned consolidated judgment and decree are deemed as modified accordingly. All other terms and conditions of the judgment of the learned trial court not interfered into by this appellate court shall remain intact for execution of the decree.

24. Copy of this consolidated judgment be placed in all the other three appeals for record purposes, whereafter all the two suit files be returned to the learned trial court for further action as per law.

25. The learned Trial Court / Family Judge is directed to peruse this judgment and prepare an amended decree sheet in accordance with the findings given in this consolidated judgment, as per rule 22 (4) of the Family Court Rules 1965 for execution purposes.

26. Memo of costs be prepared by the Reader of this court. The files of all the four appeals be consigned to record room after their due completion and compilation by the Ahlmad of this court namely Ahmad Shah.

Announced.
05.05.2026.

Muhammad Amir Munir
Additional District Judge,
Depalpur.

Certified that this Judgment consists of 17-pages; each page of it has been dictated, read, corrected and signed by me.

Dated:05.05.2026.

Additional District Judge,
Depalpur.