

SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

Present:

Justice Yahya Afridi, CJ
Justice Shakeel Ahmad

Civil Appeal No. 382-L of 2015

(Against the judgment dated 20.01.2015 passed by
the Lahore High Court, Lahore in W.P. No. 8283 of
2010)

Mumtaz Ali

... Appellant(s)

Versus

Mst. Ghafooran alias Shakeela Bibi & others

...Respondent(s)

For the Appellant(s) : Mr. Ch. Nazir Ahmad Kamboh,
ASC

(via V.L. Lhr)

For Respondent(s) : Mr. Rana Liaqat Ali Khan, ASC
(via V.L. Lhr)

Date of hearing : 09.07.2025

ORDER

Shakeel Ahmad, J. This Civil Appeal has arisen out of the judgment dated 20.01.2015 ("***Impugned Judgment***") passed by the Lahore High Court, Lahore ("***the High Court***"), whereby and whereunder Constitution Petition No. 8283 of 2010, filed by the appellant, was dismissed.

2. Briefly stated, the facts necessary for the adjudication of the present appeal are that the respondent No.1 filed a suit for recovery of dower against the appellant. On appearance before the trial Court, the appellant contested the suit by filing written statement. From the divergent pleadings of the parties, the trial Court framed the necessary issues and invited the parties to adduce their respective evidence. Respondent No.1 appeared as PW-1, while Muhammad Arif, the *Nikkah Khawan*, and Muhammad Rafi Abid, the *Nikkah Registrar*, were examined as PW-2 and PW-3. On the other hand, the appellant appeared as DW-1 and also examined his father, Noor Ahmed, as DW-2 in support of his version of events, alongside producing the CD of *Nikkah* (Ex-D-1/1). Upon conclusion of the evidence, the learned trial Court decreed the suit through judgment dated 06.01.2009. The appellant, feeling

aggrieved, preferred an appeal, which was dismissed by the appellate Court vide judgment dated 05.04.2010. Still dissatisfied, the appellant approached the High Court by filing Constitution petition, but the same was also dismissed through the impugned judgment dated 20.01.2015. Hence, the present appeal.

3. Heard and record perused.

4. The record reflects that the marriage between the parties was solemnised on 15.04.2007, evidenced by the execution of a *Nikkah Nama* (Exh.P1). As per the claim of Respondent No.1, the dower was fixed at Rs. 1,000/- as *Muajjal* (i.e., immediately payable) and ten (10) *tolas* of gold as *Ghair Muajjal* (i.e., deferred dower, payable at a later stage). The appellant, however, disputes this assertion and contends that Column No.12 of the *Nikkah Nama* reflects only Rs.1,000/- as *Muajjal* dower, and that the reference to ten (10) *tolas* of gold in Column No.12 and the entry of the word "*Ghair Muajjal*" in Column No.13 are the result of interpolation.

5. In the present circumstances, the most crucial piece of evidence is the *Nikkah Nama* (Exh.P1), which, being a public document, carries a presumption of truth under the law¹. Its entries are deemed correct unless rebutted by cogent and confidence-inspiring evidence. The said document is further supported by the testimonies of the *Nikkah Khawan* (PW-2) and the *Nikkah Registrar* (PW-3). Although the appellant placed on record a CD purportedly containing footage of the *Nikkah* ceremony, its admissibility was declined by the trial Court. Accordingly, the burden to prove that the *Nikkah Nama* was forged rested squarely upon the appellant, which he failed to discharge. The Courts below, therefore, rightly recorded concurrent findings in favour of the respondent. Accordingly, where there are concurrent findings of fact, drawn from a proper appraisal of evidence, this Court ordinarily refrains from interfering, unless such findings are demonstrated to be perverse, arbitrary, or founded upon misreading or non-reading of material on the record². No such flaw having been pointed out in the impugned judgment, we find no justification to interfere

¹ Muhammad Yousaf v. Huma Saeed (2024 SCMR 1078)

² Muhammad Shamim Ali v Mst Asma Begum (2024 SCMR 1642)

with the well-reasoned and concurrent conclusions of the Courts below.

6. In light of the above, we find no illegality, irregularity, or jurisdictional defect in the impugned judgment of the High Court, calling for interference. Consequently, this appeal, being devoid of merit, is dismissed. No order as to costs.

Islamabad
09.07.2025
NOT APPROVED FOR REPORTING
Zia/*Rameen LC.