

JUSTICE SUCCESS STORY

Recovery of dower and maintenance to Rabia after divorce

A resident of District East, Karachi faced hardships while recovering her dower amount and fighting for the maintenance of her children after her husband divorced her and left.

Ms. Rabia Shaikh had solemnized her marriage with Mr. Muhammad Zohaib with a dower amount of rupees fifteen thousand in cash and three tola gold ornaments. However, the complete dower amount was not paid at the time of the marriage; only a mere one thousand rupees were given. During her marriage, she tolerated physical and mental abuse by her husband. Moreover, Mr. Zohaib refused to pay maintenance for their children; Shoab, Muheeb and Tooba Bibi.

In 2009, Mr. Zohaib filed for divorce, but Rabia being a soft-hearted mother, she had to go back to her husband for the sake of her children. Unfortunately, Zohaib's abusive nature did not go away and due to no alternative support, Rabia and her children were left with no choice but to endure. Later, in February 2021, Mst. Rabia's husband divorced her again and deserted the house along with the three minors. Subsequently, through the community Mst. Rabia approached LAS for legal assistance to peruse her matter in court however, she did not have the financial support to bear legal expenses. She filed her case for recovery of the dower amount and maintenance of minors.

Mst. Rabia was entitled to maintenance from the time of filing of the suit in July 2021 along with recovery of her dower amount. On 16th April 2022, the Family court gave their decision in favor of Mst. Rabia to recover her 'Iddat Period Maintenance' of fifteen thousand rupees and additionally recover a dower amount of rupees fourteen thousand. However, they refused the

recovery of the three tola gold ornaments which were mentioned in column No. 16 of Nikha Nama as well as the recovery of rupees four thousand for each minor per month till their legal entitlement. Due to this, Mst. Rabia was not satisfied with the order deemed in court.

Following this, the Legal Aid Society filed her Family Appeal before the Appellant Court. After the hearing on 07. December 2022, the court was convinced that Mst. Rabia is entitled to recover her three tola gold ornaments which were mentioned in the Nikha Nama.

