Recovery of Dower (Haq Mehr) under Pakistani Law

Prompt and Deferred Dower, Gold, Property and the Nikahnama Entries (1974–2026)

Adv. Syed Zeshan Hashmi, Advocate High Court, The Arbitrator & Law Associates, Peshawar

Abstract

This paper examines 98 reported judgments on the recovery of dower — 45 of the Supreme Court of Pakistan and 53 of the Peshawar High Court, decided between 1974 and 2026 — collected on the Pakistan Law Site. It sets out when prompt and deferred dower fall due, how gold and property given as dower are recovered, how the nikahnama and dower deeds are proved, and what happens to dower on khula. The main finding is that the courts consistently protect the wife on principle — the nikahnama is presumed true and read in her favour, prompt dower is due on demand, the whole dower becomes payable on an unauthorised second marriage, and property written into the nikahnama is hers absolutely — but that claims are usually won or lost on proof and pleading: originals versus photocopies, signatures of third parties, specific pleading of snatching, and whether khula was the wife's informed choice. Recent Supreme Court decisions (2023–2026) narrow forfeiture of dower on khula to cases where khula is chosen by the wife and no other ground is proved.

Keywords: dower; haq mehr; prompt dower; deferred dower; nikahnama; gold ornaments; dower deed; kabeen nama; khula; section 6(5) MFLO; Family Courts Act 1964; Peshawar High Court; Supreme Court of Pakistan.

1. Introduction

Dower (mahr, haq mehr) is the property a husband binds himself to give his wife in consideration of marriage. In Khyber Pakhtunkhwa it is usually a mix of cash, gold counted in tolas, and a house, plot or share of land, written into columns 13 to 16 of the nikahnama or into a separate kabeen nama, iqrarnama or dower deed. A dower claim appears in almost every matrimonial case before the Family Court: as a stand-alone suit, joined with maintenance and dowry, or as the price of khula.

This paper asks one practical question: when and how can a wife recover her dower, and what defences are open to the husband and to third parties? It answers it from the reported judgments of the Supreme Court of Pakistan and the Peshawar High Court, under eight heads: the nature of dower and its presumptions; prompt dower; deferred dower; consummation; gold; property; proof; and khula, limitation, forum and execution.

2. Sources and Method

All research was done on the Pakistan Law Site only. Keyword searches (dower, deferred dower, prompt dower, haq mehr, mehr, mahr, nikahnama, dower gold, dower house, khula dower, surrender of dower) were run over all years. Results were filtered to reported judgments of the Supreme Court and the Peshawar High Court, and each was screened for an actual holding on dower rather than a passing mention. For 96 of the 98 judgments kept, the reported text was opened on the site to take the bench, case number and date and to check the headnote against the operative part of the judgment; several headnote summaries were corrected in this way. The two judgments marked with a dagger (†) are stated from their headnotes only, because their full text could not be opened during the research. Citations are given as reported.

3. The Law in Phases

3.1 What dower is, and the presumptions courts apply

Dower is an obligation that arises from the marriage itself. The Supreme Court has called it a mandatory incident of a valid marriage: if the parties do not fix it, a reasonable dower (mehr-ul-misl) is presumed; it may be cash, property or both; and if the nikahnama does not say whether it is prompt or deferred, section 10 of the Muslim Family Laws Ordinance, 1961 presumes the whole of it to be payable on demand (Mst. Fakhra Jabeen v. Wasif Ali, PLD 2026 SC 20).

Four working presumptions follow from the case law:

- **The nikahnama is presumed true.** An entry recording a gift of property in lieu of dower carries a presumption of truth, and the husband cannot dispose of the property afterwards (Ashiq Ali v. Mst. Zamir Fatima, PLD 2004 SC 10). The husband's oral evidence cannot bypass column 16 (Nasir Shah v. Mst. Nasira Bibi, 2018 YLR 2505 Peshawar).
- **Doubt goes to the wife.** An ambiguous column is read in her favour unless the husband shows she understood each column and agreed freely; courts will not read in a stipulation that is not there (Muhammad Yousaf v. Huma Saeed, 2024 SCMR 1078). Columns 13 and 16 are read by the parties' intention, not by their printed headings (Haseen Ullah v. Mst. Naheed Begum, PLD 2022 SC 686).
- **Dower can be raised after marriage.** It may be fixed or increased after the nikah (Ghania Hassan v. Shahid Hussain Shahid, 2016 SCMR 2170).
- **It cannot be waived behind the wife's back.** An iqrarnama or family compromise to which she is not a party cannot extinguish it; the Supreme Court restored five tolas that the Peshawar High Court had disallowed on such a document (Mst. Haseena Bibi v. Abdul Haleem, PLD 2024 SC 291). A remission given for "a happy married life" ended when the husband divorced her a month later (Rashid Ahmad v. Hajran Bibi, 1996 SCMR 1957).

3.2 Prompt dower

Prompt dower is payable whenever demanded while the marriage subsists (Saadia Usman v. Muhammad Usman Iqbal Jadoon, 2009 SCMR 1458). A husband who forces the wife into litigation to recover it may be burdened with compensatory costs; in Khalid Pervaiz v. Samina (2024 SCMR 142) the Supreme Court imposed Rs.100,000 and directed attachment on default.

The Peshawar High Court has drawn three consequences:

- **The suit is the demand.** Filing a suit for recovery is itself a demand, and maintenance runs from the suit until payment (Mst. Nasreen Bibi v. Maqbool Shah, 1996 CLC 1723).
- **Non-payment justifies living apart.** A wife whose prompt dower is unpaid may refuse to live with her husband, and he must still maintain her (Syed Abu Talib Shah v. Mst. Bibi Rukhsar Zahra, 2012 CLC 1272; Mst. Sana Gul v. Usman Khan, 2020 YLR 1850). Restitution of conjugal rights may be decreed only subject to payment of dower (Mst. Salma Bibi v. Muhammad Iqbal, PLD 2014 Peshawar 60).
- **But the claim must be real.** Where the quantum of dower was genuinely disputed and the wife's pleaded grounds for leaving were not proved, maintenance was refused despite the principle (Kamran Sher v. Mst. Sadia, 2021 MLD 1694).

3.3 Deferred dower and the second-marriage exception

Deferred dower with no fixed date falls due on dissolution by death or divorce (Saadia Usman, 2009 SCMR 1458; Shah Daraz Khan v. Mst. Naila, 2015 MLD 73 Peshawar).

The decisive exception is section 6(5) of the Muslim Family Laws Ordinance. A husband who takes another wife without the Arbitration Council's permission must pay the existing wife's entire dower at once, prompt or deferred. The Supreme Court upheld a Peshawar High Court decree for immediate payment of five tolas on this ground (Muhammad Jamil v. Mst. Sajida Bibi, PLD 2020 SC 613) and restated the rule in Dr. Seema Hanif Khan v. Waqas Khan (PLD 2026 SC 91). An unauthorised second marriage is also a statutory ground for dissolution, so the wife need not go through khula (Dr. Faryal Maqsood v. Khurram Shehzad Durrani, PLD 2025 SC 262).

3.4 Consummation and half dower

The full dower is confirmed by consummation, death or valid retirement. Before rukhsati the wife cannot demand it or seek dissolution for its non-payment (Ajmal Khan v. Mst. Falak Negar Bibi, PLD 2019 Peshawar 218). If the husband divorces before consummation she takes half the fixed dower, but not even half where the dissolution is at her own demand (Nisar v. Mst. Fauzia, 2019 YLR 1945 Peshawar). The Supreme Court has said the other half is restored to the husband unless he waives it (Muhammad Akbar v. Shazia Bibi, PLD 2014 SC 693†). In an unconsummated khula, the wife relinquishes half her dower (Nargis Begum v. Zebar Shah, 2000 CLC 2015 Peshawar).

3.5 Gold ornaments

Gold is the commonest form of dower in the province. The litigation is usually not about whether gold was fixed, but whether it was handed over or later taken back.

- **The husband proves payment.** Once fixation is shown, he must prove delivery (Syed Nobahar Shah v. Mst. Salma Bibi, 2016 CLC 1668 Peshawar). In Shah Daraz Khan (2015 MLD 73) 30 tolas were proved by an iqrarnama and only 6 were shown delivered. Twenty-nine tolas fixed in 1990 were decreed after a 2003 divorce (Abdul Wahab v. Mst. Sadia, 2011 YLR 2550).
- **Snatching by the husband's household is his liability.** Gold taken by his sister living in his house was recoverable from him (Mehdi Khan v. Mst. Armoos Begum, 2010 MLD 1118 Peshawar).
- **But snatching must be pleaded.** Where it was not pleaded, a decree for 22 tolas was set aside (Fahad Khan v. Mst. Farukh Tabbassum, 2021 MLD 109 Peshawar).
- **Admissions decide many cases.** An admission while cross-examining the nikah registrar that 5½ tolas were outstanding was enough (Usman Khan v. Mst. Shehla Gul, 2020 CLC 910 Peshawar). The wife's own admission that Rs.400,000 was paid as dower defeated her claim to 7 tolas (Riffat Ullah v. Mst. Hadia Mustafa, 2023 MLD 1237 Peshawar). A wife must prove the quantum she pleads (Mst. Rabiyaz Bibi v. Matiur Rehman, 2022 CLC 686 Peshawar).
- **Gift or dower.** Gold given besides the dower is a gift and cannot be reclaimed on khula (Zahid Akhtar v. Mst. Saima Zia, 2021 YLR 570 Peshawar); bridal gifts and presents vest absolutely in the bride (Muhammad Sajid v. Mst. Shamsa Asghar, PLD 2025 SC 461).
- **Execution.** The husband must deliver the gold in kind and cannot substitute cash (Abid Ullah v. Mst. Bibi Naseem, 2015 YLR 1646 Peshawar); failing delivery, he pays market value on the date of decision (Noshad Ali v. Mst. Afzanat Rauf, 2013 CLC 492 Peshawar). The Supreme Court has allowed recovery of current market value where the decree gave seven tolas "or Rs.100,000" (Shafqat Ali v. Mst. Zaib un Nisa, 2026 SCMR 494).

3.6 Property given as dower

The husband's own property. Where the nikahnama gives specific property, the wife takes that property, not a money substitute (Muhammad Sanaullah v. Shamim Naz Kausar, 1995 SCMR 1208), and takes it absolutely, free of any life-interest condition (Ajab Gul v. Rahim Gul, 1991 SCMR 2500). A transfer in exchange for the dower debt is a hiba-bil-ewaz completed by possession (Inayat Ullah v. Parveen Akhtar, 1989 SCMR 1871), is not pre-emptible (Gulzar Khan v. Shahzad Bibi, PLD 1974 SC 204), and is complete for a parda nashin wife who has the nikahnama entry and receives the rent (Pirzada Noor-ul-Basar v. Mst. Pakistan Bibi, 2023 SCMR 1072). A widow was held owner of land her husband transferred to her in lieu of dower during his life (Muhammad Ajmal v. Mst. Noor Khatoon, 2025 SCMR 851).

Registration. Property passed through a registered nikahnama needs no further registration (Akbar Ali v. Khair Mohammad, 2021 CLC 348 Peshawar), a dower deed is not compulsorily registrable (Mst. Rehmat Bibi v. Haji Allah Dewaya, 2009 CLC 390 Peshawar), and an unregistered dower deed cannot be discarded for that reason alone (Mst. Sheena v. Civil Judge, 1996 MLD 1931 Peshawar). Where a deed gave half a house in lieu of dower but stated its value as Rs.99 to avoid registration, the wife took half the house or its market value, not Rs.99 (Liaqat Khan v. Bakht Bibi, 2018 CLC 708 Peshawar).

Alienation by the husband. In Sajid Hussain v. ADJ Vehari (PLD 2026 SC 371) the husband passed the dowered land to his father and brother shortly after the marriage, and it was later sold on. The Supreme Court held that transactions behind the wife's back could not defeat her ownership; the purchaser was left to recover his price from his vendor.

Property of a third person. Houses in the province are often held in the father's name. The rule has two limbs:

- *No signature, no liability.* A third person's property is not dower without that person's clear, proven consent. A mother-in-law who did not sign the nikahnama was not bound (Fawad Ishaq v. Mst. Mehreen Mansoor, PLD 2020 SC 269, reversing the Peshawar courts), nor was a father-in-law whose kabeen nama was unproved (Sher Alam Khan v. Mst. Fozia Tabbasum Afridi, 2026 SCMR 1293). A co-sharer cannot give more than his share of joint inherited property (Noman Rasheed v. Mst. Nighat Miandad, 2026 SCMR 1298). In each case the wife keeps her claim against the husband for the unpaid dower or its value (Fawad Ishaq, supra).
- *Signature as wakil, guarantor or surety binds.* A wakil-e-nikah who signs as surety is liable (Gul Akbar v. Jameela Afridi, PLD 2016 Peshawar 109). A father who signed a registered nikahnama giving his son's share in the family house was liable to that extent or for its present market value (Mst. Shumaila Bibi v. Zahir Khan, PLD 2015 Peshawar 182). A grandfather who signed a dower deed for land stood surety for it (Abdul Ali v. Mst. Sani, 2020 MLD 1091 Peshawar). A "tamleek" of a house by the groom's parents is a valid gift to the bride in addition to the dower (Banaras Khan v. Yasmeen Begum, 1997 MLD 1830 Peshawar).

Description, creditors and execution. Where a dower house was not sufficiently described but its value was stated in the nikahnama, the Supreme Court decreed that value with interest from the date of the nikahnama (Dr. Asma Ali v. Masood Sajjad, PLD 2011 SC 221). Where the dowered house turned out not to exist, the executing court attached another house of the judgment-debtor, and a relative's collusive objection was dismissed with costs (Naseer Ahmad v. Mst. Sumaira Rehman, 2024 CLC 2110 Peshawar). Against the husband's creditors, dower is a debt, not a charge, and an unproved dower deed will not save his house from auction (Anjam Ali Khan v. Mehar Shah, 2023 CLC 1942 Peshawar); in Ghania Hassan (2016 SCMR 2170) the decree-holder's counsel undertook not to execute against property mentioned in the nikahnama.

3.7 Proving the dower

- **Registered nikahnama.** Where the marriage is admitted, failure to produce its marginal witnesses is not fatal (Mst. Khalida Bibi v. Naeem Khan, 2025 SCMR 1454).
- **Photocopies and oral fixation fail.** A marked photocopy unsupported by the nikah khwan, registrar or witnesses did not prove 4 tolas, a plot and a house (Mst. Safina Noor v. Muhammad Ayub, 2023 CLC 244 Peshawar).
- **Relaxed rules of evidence.** Because section 17 of the Family Courts Act excludes the strict application of the Qanun-e-Shahadat, the scribe of a kabin nama can stand for a marginal witness (Mst. Fatima v. Mushtaq, 2025 CLC 1273 Peshawar). The Supreme Court upheld that decree: the original deed, one attesting witness and persons present suffice (Mushtaq v. Mst. Fatima, PLD 2025 SC 434). An iqrarnama was proved through its scribe, the register and one marginal witness (Hafiz Ghulam Murtaza v. Mst. Saima Naz, 2013 CLC 1538 Peshawar), and a dower deed through sons of deceased witnesses (Abdul Ali, supra).
- **Old deeds.** A kabin-nama of 1949 from proper custody was presumed genuine under Article 100 of the Qanun-e-Shahadat (Abdul Ghani v. Haji Abdul Fatah, 2022 SCMR 743). But age alone does not prove a suspicious deed: the Peshawar High Court refused to presume a 1960 dower deed (Jehanzeb v. Muhammad Israr, 2014 YLR 1939), and the Supreme Court declined to interfere (Muhammad Israr v. Jehanzeb, 2025 SCMR 841). A meharnama attested by persons who were then minors was rejected (Mst. Hayat Bibi v. Alamzeb, 2022 SCMR 13).
- **Withheld documents, oaths, admissions.** A husband who keeps back a land deed mentioned in the nikahnama suffers an adverse inference (Mst. Rozeena Khattak v. Raja Abdul Rasheed, PLD 2012 Peshawar 108). A special oath offered by one side and taken by the other is conclusive (Sajid Mehmood v. Mst. Shazia Azad, 2023 SCMR 153). An admission of fixation in the written statement settles the point (Pervez Ali v. Mst. Razia Begum, 2020 YLR 188 Peshawar).
- **Pleadings.** The court cannot decree a share in a house that was pleaded but not prayed for (Mateen Haider v. ADJ Lahore, 2005 SCMR 1683), and a husband cannot raise refund of dower on khula for the first time in writ (Muhammad Saeed v. Khalida Shaheen, 1987 SCMR 699).

3.8 Khula and dower

This is the area where the law has moved most in the last five years.

- **Khula is the wife's choice and her price.** It cannot be granted unless she asks for it, offering to give up her dower (Ibrahim Khan v. Mst. Saima Khan, PLD 2024 SC 645). A Family Court that rejects cruelty may not convert the suit into khula and treat unpaid gold as surrendered without her informed election (Mst. Selab Akhtar v. Quwat Khan, 2026 SCMR 1717). A jirga cannot impose khula; a divorce pronounced by the husband is talaq (Sajed Ullah v. Mst. Shakeela Naz, PLD 2016 Peshawar 1†).
- **Sole-khula decree costs dower.** Where cruelty is not proved, dissolution can only be by khula, and the wife forgoes the dower (Mst. Wajiha Rasheed v. Adeel Akhter, PLD 2026 SC 319); a dower plot already mutated to her reverted to the husband (Muhammad Arif v. Saima Noreen, 2015 SCMR 804). Under section 10(5) of the Family Courts Act as amended in Punjab, she surrenders up to half the deferred dower or a quarter of admitted prompt dower (Syed Amir Raza v. Mst. Rohi Mumtaz, 2023 SCMR 1394; Mst. Rafia Yaqoob v. Suleman Ayub, 2026 SCMR 561). In the Peshawar High Court, a wife who admitted no ill-treatment had to return the dower (Muhammad Arshad Khan v. Mst. Kulsoom Riaz, PLD 2018 Peshawar 34).
- **Other grounds proved: dower kept.** The wife loses dower only if dissolution rests on khula alone (Mst. Farhat Imam v. Sajid Nazeef, 2020 CLC 1874 Peshawar). Where cruelty or an unauthorised second marriage is proved, she keeps it: the Supreme Court restored a Peshawar Family Court's cruelty decree that had been converted into khula with refund (Mst. Tayyeba Ambareen v. Shafqat Ali Kiyani, 2023 SCMR 246), awarded the remaining Rs.12,00,000 on dissolution for cruelty (Mst. Naila Javed v. Nasir Khan, PLD 2026 SC 302), and upheld dissolution on habitual cruelty (Abid Hussain v. ADJ Alipur, 2006 SCMR 100). An

appellate court may change the mode of dissolution so as to award dower (Fazal Rahman v. Mst. Fahmida, PLD 2021 Peshawar 184).

- **Return is measured, not automatic.** The court fixes the compensation in its discretion (Mst. Rabia Rasheed v. Faisal Mir, 2013 CLC 1203 Peshawar). The Peshawar High Court reduced badl-e-khula from 9 to 5 tolas in view of the length of the marriage (Mst. Sarwat Begam v. Farmanullah, PLD 2012 Peshawar 164), refused return of paid gold after seven or eight years and three children (Khair ud Din v. Mst. Sabiha, PLD 2021 Peshawar 85), treated sixteen years of marriage as consideration (Abdul Rashid v. Mst. Shahida Parveen, 2013 YLR 2616), limited surrender to the land in the deed (Shah Nawaz v. Mst. Suriya Bibi, 2009 CLC 1196), and refused to order return of gold the husband already had (Malik Khursheed v. Mst. Tehseen Bibi, 2023 CLC 916; Mst. Nosheen Bibi v. Ziaullah, 2017 YLR 1514).

3.9 Limitation, forum and procedure

- **Limitation.** A suit for prompt dower lies within three years of demand and refusal, or, if no demand was made during the marriage, within three years of its dissolution (Shaheen Bibi v. Jehanzeb, 2022 MLD 1929 Peshawar). Time spent abroad is excluded under section 13 of the Limitation Act (Mst. Kulsoom Bibi v. Muhammad Waseem, 2015 YLR 2375 Peshawar). Execution of a decree for prompt dower is not time-barred while the marriage subsists (Syed Muhammad v. Zeenat, PLD 2001 SC 128).
- **Forum.** The Family Court decides dower exclusively, including immovable property (Sifat Aizdi v. Dr. Saima Bashir, PLD 2008 Peshawar 111; Pervez Ali, supra), and a kabeen nama is not an "actionable claim" that takes the matter elsewhere (Tauheed Farooqi v. Faiqa Anmol, PLD 2024 Peshawar 25). Whether column 17 calls a house dower or gift, it is given in consideration of marriage and the Family Court decides (Jehangir Khan v. Mst. Saeeda Begum, 2020 YLR 2350 Peshawar). The wife may sue where she ordinarily resides (Arsalan Arif v. Salma Gul, PLD 2025 Peshawar 54).
- **In writ.** The High Court that finds evidence unread should remand rather than decree (Maqbool Ali v. Mst. Raheela, 2025 SCMR 1275).

4. Where the Authorities Conflict or Leave a Gap

4.1 How much must be returned on khula in Khyber Pakhtunkhwa? The Supreme Court decisions applying the fixed limits of 50% of deferred and 25% of admitted prompt dower (2023 SCMR 1394; 2026 SCMR 561) arose under section 10(5) of the Family Courts Act as amended in Punjab. No Peshawar judgment found in this research applies those limits; the Peshawar High Court measures return case by case, by the length of the marriage, children, and the husband's fault (2013 CLC 1203; PLD 2012 Peshawar 164; PLD 2021 Peshawar 85; 2013 YLR 2616). Counsel should check the provincial text of section 10 in force on the date of decree before relying on the Punjab percentages.

4.2 Unpaid dower and maintenance. One line holds that a wife may live apart and still claim maintenance while prompt dower is unpaid (2012 CLC 1272; 2020 YLR 1850; 1996 CLC 1723). Another refused maintenance where the amount of dower was genuinely disputed and her other grounds failed (2021 MLD 1694). The two can be reconciled: the right depends on an admitted or proved dower that has been demanded and not paid.

4.3 Old dower deeds. Article 100 was applied to a 1949 kabin-nama from proper custody (2022 SCMR 743) but refused for a 1960 deed open to suspicion (2014 YLR 1939, affirmed by 2025 SCMR 841). The presumption is discretionary; custody, consistency with revenue record and the conduct of the parties decide it.

4.4 Third-party property. The Peshawar courts at first treated a father-in-law's signature as guarantor as enough to bind a house owned by the mother-in-law; the Supreme Court reversed (PLD 2020 SC 269), and has since required clear, proven consent of the owner (2026 SCMR 1293). Peshawar decisions binding a signing father, grandfather or wakil (PLD 2015 Peshawar 182; 2020 MLD 1091; PLD 2016 Peshawar 109) remain good law because in each the owner or surety signed. The open question is the unregistered promise of a parent who

signs the nikahnama but never transfers title before his death, when his other heirs resist.

4.5 Value of gold. Gold must be delivered in kind (2015 YLR 1646). If it is not, one Peshawar decision fixes market value on the date of decision (2013 CLC 492), while the Supreme Court has allowed current market value at execution (2026 SCMR 494). The later Supreme Court view should govern, but the point is worth pleading expressly in the plaint and prayer.

4.6 Deferred dower during the marriage. Outside the two section 6(5) cases, no Supreme Court or Peshawar judgment found in this research holds that deferred dower can be demanded while the marriage subsists without a stated date or event. Until that is decided, wives should rely on section 10 MFLO (unspecified dower is prompt) and on specific events written into the nikahnama.

4.7 Dower property and the husband's creditors. The Supreme Court has recorded an undertaking not to execute against property mentioned in the nikahnama (2016 SCMR 2170), but there is no square holding that such property is immune from the husband's creditors. Where the transfer is not proved, the creditor prevails (2023 CLC 1942).

5. Practical Guide

5.1 For the wife

- **Plead the dower item by item**, exactly as in the nikahnama or deed: cash, tolas of gold, the house or land with khasra and boundaries, and its value. Pray for each item and, in the alternative, its current market value (2005 SCMR 1683; PLD 2011 SC 221; 2026 SCMR 494).
- **Produce the original registered nikahnama.** If it is not available, summon the Nikah Registrar's record and the nikah khwan; a photocopy alone fails (2023 CLC 244).
- **For a dower deed or kabeen nama, call the scribe and at least one witness.** Where witnesses are dead, call their sons or persons who were present (PLD 2025 SC 434; 2025 CLC 1273; 2020 MLD 1091).
- **Join every person who signed as wakil, guarantor or surety**, and the owner of any third-party property; do not rely on a parent's unsigned promise (PLD 2016 Peshawar 109; PLD 2020 SC 269).
- **Plead snatching specifically**, with who took the gold, when and where, and call the person who saw it (2010 MLD 1118; 2021 MLD 109).
- **If seeking dissolution, plead and prove cruelty, non-maintenance or an unauthorised second marriage** before falling back on khula, because khula alone costs the dower (2020 CLC 1874; PLD 2026 SC 302). If the court proposes khula, insist that your election be recorded (2026 SCMR 1717).
- **Claim the section 6(5) remedy** wherever the husband has married again without permission (PLD 2020 SC 613).
- **Watch limitation:** three years from demand and refusal, or from dissolution; keep proof of time spent abroad (2022 MLD 1929; 2015 YLR 2375).

5.2 For the husband

- **Prove payment with documents:** receipts, the nikahnama entry of payment, or the wife's admission in cross-examination (2023 MLD 1237). The burden is yours (2016 CLC 1668).
- **Never let a pleaded fact go unchallenged** in cross-examination, and do not admit fixation in the written statement unless it is true (2020 CLC 910; 2020 YLR 188).
- **If you say the gold was returned or snatched by the wife's family, plead it** and prove it; mere denial will not do.
- **Claim return of dower on khula in the written statement**; it cannot be raised later (1987 SCMR 699). Press it only where the wife admits no ill-treatment or the court rejects her other grounds (PLD 2018

Peshawar 34; PLD 2026 SC 319).

- **Do not use a restitution suit as a shield** against the dower claim (2023 SCMR 246), and pay voluntarily where liability is clear, or face compensatory costs (2024 SCMR 142).

5.3 For third parties (parents, purchasers, heirs)

- A parent who signs the nikahnama as wakil or guarantor is liable; one who does not sign is not (PLD 2016 Peshawar 109; 2026 SCMR 1293).
- A purchaser of land recorded as dower takes subject to the wife's claim; his remedy is against his vendor (PLD 2026 SC 371).
- Heirs challenging a dower transfer must prove the deed's defects; a co-sharer's gift of more than his share does not bind them (2026 SCMR 1298).

6. Conclusion

Over five decades the superior courts have moved dower firmly into the wife's hands. The nikahnama is presumed true and doubts are resolved in her favour; prompt dower is due on demand, and its non-payment justifies her living apart; the whole dower falls due at once on an unauthorised second marriage; property written into the nikahnama belongs to her absolutely and survives the husband's attempts to transfer it; gold is delivered in kind or at current value. The recent Supreme Court decisions on khula add a procedural safeguard: dower is forfeited only where khula is the wife's informed choice and no other ground is proved.

The cases are lost on proof, not on principle. Wives fail when they rely on photocopies, oral promises, unsigned parents, or unpleaded snatching. Husbands fail when they cannot show payment or admit fixation in cross-examination. For practitioners in Khyber Pakhtunkhwa, the two live questions are the measure of return on khula under the provincial law and the liability of a parent whose property is promised as dower; both are worth pleading with care.

Annexure A — The Judgments in Question and Answer Form

All 98 judgments relied on, Supreme Court first and then the Peshawar High Court, newest first within each court. Each entry gives the citation, parties, bench, case number and date of decision as reported on the Pakistan Law Site, followed by the question decided and the answer. † = stated from the headnote only (2 entries).

Supreme Court

1. PLD 2026 SC 371 — Sajid Hussain v. Additional District Judge, Vehari

Before: Yahya Afridi, CJ, Muhammad Shafi Siddiqui and Miangul Hassan Aurangzeb, JJ; C.P.L.A. No. 1330-L of 2025, decided 27 October 2025

Q. Can a husband defeat dower land recorded in clause 16 of the nikahnama by transferring it to relatives and onward to a purchaser?

A. No. Transfers made behind the wife's back cannot deprive her of the dowered land; the husband was bound to keep and transfer it. A later purchaser's remedy is to recover his price from his vendor. Leave refused.

2. PLD 2026 SC 319 — Mst. Wajiha Rasheed v. Adeel Akhter

Before: Yahya Afridi, CJ, Muhammad Shafi Siddiqui and Miangul Hassan Aurangzeb, JJ; C.P.L.As. Nos. 2555-2556 of 2022, decided 27 August 2025

Q. Where cruelty is not proved, can the wife keep her dower on dissolution?

A. No. If cruelty is not proved the marriage can only be dissolved by khula, and the wife then forgoes the dower. Leave refused.

3. PLD 2026 SC 302 — Mst. Naila Javed v. Nasir Khan

Before: Yahya Afridi, CJ and Musarrat Hilali, J; C.P.L.A. No. 3767 of 2025, decided 12 January 2026

Q. May courts convert a suit on cruelty and second marriage into khula and make the wife forgo her dower?

A. No, where cruelty and the husband's unauthorised second marriage are established. The Supreme Court dissolved the marriage on cruelty and held the wife entitled to the remaining dower of Rs.12,00,000.

4. PLD 2026 SC 91 — Dr. Seema Hanif Khan v. Waqas Khan

Before: Ayesha A. Malik and Naeem Akhter Afghan, JJ; C.P.L.A. No. 3268 of 2024, decided 19 September 2025

Q. What follows when a husband contracts a second marriage without following section 6 MFLO?

A. He becomes liable, among other consequences under section 6(5), to pay the entire dower of the existing wife immediately.

5. PLD 2026 SC 20 — Mst. Fakhra Jabeen v. Wasif Ali

Before: Syed Mansoor Ali Shah, Athar Minallah and Aqeel Ahmed Abbasi, JJ; Civil Petitions Nos. 768 and 827 of 2022, decided 28 November 2024

Q. What is the nature of dower, and what is presumed if its mode of payment is not stated?

A. Dower is a mandatory incident of a valid marriage; if not fixed, mehr-ul-misl is presumed. It may be cash or property. If the nikahnama does not say prompt or deferred, it is presumed prompt under section 10 MFLO.

6. 2026 SCMR 1717 — Mst. Selab Akhtar v. Quwat Khan

Before: Yahya Afridi, CJ, Shahid Bilal Hassan and Shakeel Ahmad, JJ; C.P.L.A. No. 4792 of 2025, decided 6 January 2026

Q. Can a Family Court that rejects cruelty treat unpaid dower (20 tolas) as surrendered by converting the suit into khula?

A. Not without the wife's conscious and informed election. The case was remanded for her to choose between khula on lawful terms and pressing her cruelty claim.

7. 2026 SCMR 1298 — Noman Rasheed v. Mst. Nighat Miandad

Before: Shahid Bilal Hassan and Shakeel Ahmad, JJ; Civil Petition No. 5073 of 2025, decided 6 April 2026

Q. Can a co-sharer give the whole of a jointly inherited house as dower?

A. No. A co-sharer cannot transfer more than his own share; the heirs may seek relief against the decree as observed by the Court. Leave refused.

8. 2026 SCMR 1293 — Sher Alam Khan v. Mst. Fozia Tabbasum Afridi

Before: Muhammad Ali Mazhar, Musarrat Hilali and Naeem Akhtar Afghan, JJ; C.P.L.A. No. 429-P of 2024, decided 30 March 2026

Q. Can a plot owned by the father-in-law be decreed as dower where he did not sign the nikahnama and the kabeen nama is unproved?

A. No. A third person's property cannot be dower without his clear, proven consent. Decrees of the courts below (Peshawar) set aside to the extent of the one-kanal plot.

9. 2026 SCMR 561 — Mst. Rafia Yaqoob v. Suleman Ayub

Before: Shahid Waheed, Musarrat Hilali and Salahuddin Panhwar, JJ; Civil Petition No. 2159 of 2025, decided 23 January 2026

Q. In khula where the marriage was unconsummated, must the wife return all 15 tolas of admitted prompt dower?

A. No. Under the Punjab statutory limit she returns 25% of admitted prompt dower, i.e. 3.75 tolas; the appellate decree was restored.

10. 2026 SCMR 494 — Shafqat Ali v. Mst. Zaib un Nisa

Before: Amin-ud-Din Khan and Syed Hasan Azhar Rizvi, JJ; Civil Petition No. 74 of 2025, decided 20 August 2025

Q. Where a decree gives seven tolas of gold or Rs.100,000, may the executing court order current market value?

A. Yes. The court gives effect to the true intent of the decree and the contract; current market value of the gold may be recovered. Leave refused.

11. 2025 SCMR 1454 — Mst. Khalida Bibi v. Naeem Khan

Before: Musarrat Hilali and Shakeel Ahmad, JJ; Civil Petition No. 252-P of 2025, decided 4 June 2025

Q. Is a wife's dower claim defeated because she did not produce the marginal witnesses of a registered nikahnama?

A. No, where the marriage is admitted. The High Court's order was set aside and the case remanded.

12. 2025 SCMR 1275 — Maqbool Ali v. Mst. Raheela

Before: Yahya Afridi, CJ, Muhammad Shafi Siddiqui and Miangul Hassan Aurangzeb, JJ; C.P.L.A. No. 1106 of 2024, decided 13 May 2025

Q. Could the High Court in writ jurisdiction decree a widow's claim to a house in lieu of dower against her father-in-law?

A. The High Court rightly found unread evidence, but instead of decreeing it should have remanded; the suit was remanded to the Family Court.

13. 2025 SCMR 851 — Muhammad Ajmal v. Mst. Noor Khatoon

Before: Yahya Afridi, CJ, Irfan Saadat Khan and Muhammad Shafi Siddiqui, JJ; Civil Petition No. 3455-L of 2022, decided 3 March 2025

Q. Is a widow owner of land her husband transferred to her in lieu of dower during his lifetime?

A. Yes. Concurrent findings of three courts, resting on the scribe's evidence and undisputed marriage, were not disturbed.

14. 2025 SCMR 841 — Muhammad Israr v. Jehanzeb

Before: Shahid Waheed, Muhammad Shafi Siddiqui and Miangul Hassan Aurangzeb, JJ; Civil Appeal No. 156-P of 2013, decided 24 February 2025

Q. Does a 1960 dower deed prove title merely because it is old?

A. No. Title through a later gift depended on proof of the dower deed; the trial and revisional courts (Peshawar) found it unproved, and the Supreme Court declined to re-appraise. Appeal dismissed.

15. PLD 2025 SC 461 — Muhammad Sajid v. Mst. Shamsa Asghar

Before: Syed Mansoor Ali Shah and Aqeel Ahmed Abbasi, JJ; C.P.L.A. No. 3284-L of 2022, decided 15 April 2025

Q. Do bridal gifts and presents given to the bride belong to her?

A. Yes. Dowry, bridal gifts and presents vest absolutely in the bride; courts need not separate dowry from presents to award them.

16. PLD 2025 SC 434 — Mushtaq v. Mst. Fatima

Before: Yahya Afridi, CJ and Shahid Waheed, J; C.P.L.A. No. 559-P of 2024, decided 31 January 2025

Q. How may a widow prove a dower deed when both attesting witnesses are not produced?

A. The original deed, one attesting witness and the evidence of persons present at execution suffice. High Court's decree upheld; leave refused.

17. PLD 2025 SC 262 — Dr. Faryal Maqsood v. Khurram Shehzad Durrani

Before: Syed Mansoor Ali Shah, Jamal Khan Mandokhail and Athar Minallah, JJ; Civil Petitions Nos. 308-P and 1388 of 2019, decided 23 October 2024

Q. Is the husband's second marriage without MFLO compliance a ground for dissolution, rather than khula?

A. Yes. It is a statutory ground, so dissolution need not be by khula with its consequences for dower. Appeals allowed.

18. PLD 2024 SC 645 — Ibrahim Khan v. Mst. Saima Khan

Before: Yahya Afridi, Amin-ud-Din Khan and Ayesha A. Malik, JJ; Civil Petitions Nos. 4657-4659 of 2022, decided 15 February 2024

Q. Can a court grant khula that the wife has not asked for?

A. No. Khula requires the wife's clear offer to be released, waiving her dower; it cannot be imposed.

19. PLD 2024 SC 291 — Mst. Haseena Bibi v. Abdul Haleem

Before: Munib Akhtar, Shahid Waheed and Musarrat Hilali, JJ; Civil Appeal No. 1227 of 2016, decided 15 November 2023

Q. Can a family compromise or iqrarnama extinguish the wife's dower?

A. No. The right is hers alone and any waiver without her is void. The Peshawar High Court's judgment was set aside to the extent of dower (five tolas of gold or its price).

20. 2024 SCMR 1078 — Muhammad Yousaf v. Huma Saeed

Before: Amin-ud-Din Khan and Athar Minallah, JJ; Civil Petition No. 2673 of 2022, decided 6 April 2023

Q. How are ambiguous nikahnama columns on dower to be read?

A. In favour of the wife, unless it is shown she understood each column and agreed freely; courts cannot read in stipulations not expressly provided.

21. 2024 SCMR 142 — Khalid Pervaiz v. Samina

Before: Qazi Faez Isa, CJ, Amin-ud-Din Khan and Athar Minallah, JJ; Civil Petition No. 2734-L of 2023, decided 20 November 2023

Q. When can mehr be demanded, and what if the husband forces litigation?

A. Mehr is payable whenever demanded during the marriage. Compensatory costs of Rs.100,000 were imposed, with attachment of property on default.

22. 2023 SCMR 1394 — Syed Amir Raza v. Mst. Rohi Mumtaz

Before: Amin-ud-Din Khan and Syed Hasan Azhar Rizvi, JJ; Civil Petition No. 2865 of 2022, decided 5 May 2023

Q. On khula on that sole basis, what part of a house given as deferred dower does the wife keep?

A. Fifty percent of the house or its market value, under section 10(5) Family Courts Act (Punjab).

23. 2023 SCMR 1072 — Pirzada Noor-ul-Basar v. Mst. Pakistan Bibi

Before: Munib Akhtar and Sayyed Mazahar Ali Akbar Naqvi, JJ; Civil Appeal No. 23-P of 2017, decided 29 March 2023

Q. Is a gift of property to a parda nashin wife in lieu of dower, recorded in the nikahnama, complete?

A. Yes. With the nikahnama entry and her receipt of ijara from tenants, the transaction was complete. Appeal (from Peshawar) dismissed.

24. 2023 SCMR 246 — Mst. Tayyeba Ambareen v. Shafqat Ali Kiyani

Before: Sardar Tariq Masood, Amin-ud-Din Khan and Muhammad Ali Mazhar, JJ; Civil Petition No. 3209 of 2019, decided 3 November 2022

Q. Was the conversion of a cruelty decree into khula with refund of dower justified?

A. No. A suit for restitution cannot be used to obstruct dower and maintenance; the Family Court's decree on cruelty was restored and the Peshawar High Court's conversion set aside.

25. 2023 SCMR 153 — Sajid Mehmood v. Mst. Shazia Azad

Before: Sardar Tariq Masood, Amin-ud-Din Khan and Muhammad Ali Mazhar, JJ; Civil Petition No. 1451 of 2020, decided 7 November 2022

Q. Is a special oath on dower and dowry, taken on the husband's offer, binding?

A. Yes. Under section 11 of the Oaths Act it is conclusive against the party who offered it.

26. PLD 2022 SC 686 — Haseen Ullah v. Mst. Naheed Begum

Before: Umar Ata Bandial, Sajjad Ali Shah and Syed Mansoor Ali Shah, JJ; Civil Petition No. 1289 of 2020, decided 23 November 2021

Q. Are columns 13 and 16 of the nikahnama read by their headings?

A. No. They are read by the parties' intention. Petition dismissed with costs; the husband's conduct in forcing litigation was deplored.

27. 2022 SCMR 743 — Abdul Ghani v. Haji Abdul Fatah

Before: Mazhar Alam Khan Miankhel, Qazi Muhammad Amin Ahmed and Jamal Khan Mandokhel, JJ; Civil Petition No. 78-Q of 2016, decided 1 November 2021

Q. Is a 1949 kabin-nama transferring land as dower to be presumed genuine?

A. Yes. As a document over thirty years old from proper custody (the lady's son), it was rightly relied on; later heirs got no better title.

28. 2022 SCMR 13 — Mst. Hayat Bibi v. Alamzeb

Before: Qazi Faez Isa and Yahya Afridi, JJ; Civil Appeal No. 438 of 2021, decided 26 October 2021

Q. Can a step-mother take the whole estate on a meharnama attested by persons who were then minors?

A. No. Execution was unproved; the estate was ordered to be distributed among all heirs.

29. PLD 2020 SC 613 — Muhammad Jamil v. Mst. Sajida Bibi

Before: Umar Ata Bandial and Sayyed Mazahar Ali Akbar Naqvi, JJ; Civil Petition No. 4690 of 2018, decided 12 August 2020

Q. Does deferred dower become payable at once on an unauthorised second marriage?

A. Yes. Under section 6(5)(a) MFLO the entire dower is payable immediately; the Peshawar High Court's decree for five tolas of gold was upheld.

30. PLD 2020 SC 269 — Fawad Ishaq v. Mst. Mehreen Mansoor

Before: Qazi Faez Isa and Sardar Tariq Masood, JJ; Civil Petitions Nos. 154-155 of 2019, decided 7 February 2020

Q. Can a wife recover as dower a house owned by her mother-in-law, who did not sign the nikahnama?

A. No. The suit against the in-laws was dismissed (reversing the Peshawar courts), but the wife may still claim unpaid dower or its value from her husband.

31. 2016 SCMR 2170 — Ghania Hassan v. Shahid Hussain Shahid

Before: Anwar Zaheer Jamali, CJ, Sh. Azmat Saeed and Umar Ata Bandial, JJ; date of hearing 22 September 2016

Q. Can dower be increased after marriage, and can nikahnama dower property be taken in execution of the husband's debts?

A. Dower can be fixed or increased after marriage. On the respondent's statement, the decree was not to be executed against the property mentioned in the nikahnama.

32. 2015 SCMR 804 — Muhammad Arif v. Saima Noreen

Before: Sarmad Jalal Osmany and Qazi Faez Isa, JJ; Civil Petitions Nos. 1421 and 1479 of 2014, decided 11 February 2015

Q. If cruelty is not proved, what happens to a plot given as dower?

A. The marriage stands dissolved on khula only, and the dower plot mutated in her favour reverts to the husband.

33. PLD 2014 SC 693 † — Muhammad Akbar v. Shazia Bibi

Bench and date not shown in headnote

Q. What dower is due where the marriage was not consummated?

A. Half of the fixed dower; the other half is restored to the husband unless he waives it.

34. PLD 2011 SC 221 — Dr. Asma Ali v. Masood Sajjad

Before: Mian Shakirullah Jan, Nasir-ul-Mulk and Tariq Parvez Khan, JJ; Civil Appeal No. 80-P of 2009, decided 10 January 2011

Q. Can a wife recover a house given as dower that is not sufficiently described in the nikahnama?

A. Yes, on the value stated in the nikahnama: a decree for Rs.700,000 was granted, with interest from the date of the nikahnama to offset inflation.

35. 2009 SCMR 1458 — Saadia Usman v. Muhammad Usman Iqbal Jadoon

Before: Iftikhar Muhammad Chaudhry, CJ, Mian Shakirullah Jan and Raja Fayyaz Ahmad, JJ; Civil Appeals Nos. 109-111 of 2008, decided 1 April 2009

Q. When is deferred dower with no fixed date payable?

A. On dissolution of marriage by death or divorce; prompt dower is payable on demand during the marriage.

36. 2006 SCMR 100 — Abid Hussain v. ADJ Alipur

Before: Faqir Muhammad Khokhar and Karamat Nazir Bhandari, JJ; Civil Petition No. 3444-L of 2004, decided 18 October 2005

Q. Where habitual cruelty is proved, is the wife confined to khula?

A. No. Dissolution on cruelty was upheld; leave refused.

37. 2005 SCMR 1683 — Mateen Haider v. ADJ Lahore

Before: Munir A. Sheikh, Faqir Muhammad Khokhar and Falak Sher, JJ; Civil Petition No. 2596-L of 2000, decided 5 June 2003

Q. Can a court decree a share in a house the wife pleaded but did not pray for?

A. No. The decree for a 1/4 share was set aside; the decree for Rs.100,000 and 12 tolas of gold as dower was upheld.

38. PLD 2004 SC 10 — Ashiq Ali v. Mst. Zamir Fatima

Before: Javed Iqbal and Faqir Muhammad Khokhar, JJ; Civil Petition No. 2584-L of 2000, decided 28 February 2003

Q. Can a husband dispose of property recorded in column 13 as gifted to the wife in lieu of dower?

A. No. The nikahnama entry carries a presumption of truth; after the gift he had no title to transfer.

39. PLD 2001 SC 128 — Syed Muhammad v. Zeenat

Before: Iftikhar Muhammad Chaudhry and Deedar Hussain Shah, JJ; Civil Petition No. 134-Q of 1998, decided 1 November 2000

Q. Is execution of a decree for prompt dower time-barred during the marriage?

A. No. While the marriage subsists, the husband's liability continues; execution is in time when launched.

40. 1996 SCMR 1957 — Rashid Ahmad v. Hajran Bibi

Before: Ajmal Mian and Fazal Karim, JJ; C.P.L.A. No. 1108 of 1993, decided 11 January 1995

Q. Does a wife's remission of dower, given for a happy married life, survive a divorce a month later?

A. No. The remission ended when the husband failed his side of the bargain; the dower decree stood.

41. 1995 SCMR 1208 — Muhammad Sanaullah v. Shamim Naz Kausar

Before: Manzoor Hussain Sial and Mir Hazar Khan Khoso, JJ; C.P.L.A. No. 356 of 1994, decided 14 February 1995

Q. Is the wife entitled to the specified half house and six kanals, or a money equivalent?

A. To the specified property as written in the nikahnama. Leave refused.

42. 1991 SCMR 2500 — Ajab Gul v. Rahim Gul

Before: Shafiur Rahman, Ali Hussain Qazilbash and Abdul Qadeer Chaudhry, JJ; C.P. No. 32-P and C.A. No. 1-P of 1988, decided 12 September 1991

Q. When a house and shops are given as dower on the bride's demand, can a life-interest condition be attached?

A. No. She became absolute owner free of the condition.

43. 1989 SCMR 1871 — Inayat Ullah v. Parveen Akhtar

Before: Muhammad Afzal Zullah and Saad Saood Jan, JJ; C.P.L.A. No. 348 of 1985, decided 21 March 1989

Q. Is a house given in lieu of dower a valid hiba-bil-ewaz without registration?

A. Yes. Possession in exchange for relinquishing dower completed the transaction.

44. 1987 SCMR 699 — Muhammad Saeed v. Khalida Shaheen

Before: Muhammad Afzal Zullah, Mian Burhanuddin Khan and Saad Saood Jan, JJ; C.P.S.L.A. No. 22 of 1987, decided 2 February 1987

Q. Can a husband claim refund of prompt dower on khula for the first time in writ?

A. No. He never pleaded it before the Family Court.

45. PLD 1974 SC 204 — Gulzar Khan v. Shahzad Bibi

Before: Waheeduddin Ahmad and Anwarul Haq, JJ; C.P.S.L.A. No. 416 of 1973, decided 11 March 1974

Q. Is a sale of land to the wife in discharge of prompt dower subject to pre-emption?

A. No. The transaction involves an element of gift and is not pre-emptible.

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46. PLD 2025 Peshawar 54 — Arsalan Arif v. Salma Gul

Before: Ishtiaq Ibrahim and Shakeel Ahmad, JJ; W.Ps. Nos. 168-A and 169-P of 2015, decided 2 February 2023

Q. Where may a wife sue for dower?

A. Where she ordinarily resides, under Rule 6 of the Family Courts Rules.

47. 2025 CLC 1273 — Mst. Fatima v. Mushtaq

Before: S M Attique Shah, J; W.P. No. 1056-P of 2023, decided 15 April 2024

Q. Can the scribe stand in for a marginal witness to a kabin nama?

A. Yes; section 17 FCA excludes strict rules of evidence. Suit decreed (upheld in PLD 2025 SC 434).

48. PLD 2024 Peshawar 25 — Tauheed Farooqi v. Faiqa Anmol

Before: Muhammad Faheem Wali, J; W.P. No. 321-D of 2020, decided 20 April 2022

Q. Is a kabeen nama for 10 tolas and a share of a house an 'actionable claim' outside the Family Court?

A. No. It is a matrimonial document; the Family Court decides it. Husband's petition dismissed.

49. 2024 CLC 2110 — Naseer Ahmad v. Mst. Sumaira Rehman

Before: S M Attique Shah, J; C.R. No. 161-P of 2022, decided 28 June 2022

Q. If the dowered house does not exist, can the decree be executed against another house?

A. Yes. A collusive objection by the husband's relative was dismissed with Rs.100,000 costs.

50. 2023 CLC 1942 — Anjam Ali Khan v. Mehar Shah

Before: Dr. Khurshid Iqbal, J (Mingora Bench); R.F.A. No. 472-M of 2020, decided 20 March 2023

Q. Can an unproved dower deed defeat auction of the husband's house for his creditor?

A. No. Dower is a debt, not a charge, and the deed was not proved.

51. 2023 CLC 916 — Malik Khursheed v. Mst. Tehseen Bibi

Before: Fazal Subhan, J (Abbottabad Bench); W.P. No. 897-A of 2021, decided 17 October 2022

Q. Must a wife granted khula return dower the husband already took back?

A. No. Her unchallenged evidence that he took back and sold it stood.

52. 2023 MLD 1237 — Riffat Ullah v. Mst. Hadia Mustafa

Before: Shahid Khan, J (Bannu Bench); W.P. No. 425-B of 2022, decided 20 March 2023

Q. Can a wife claim 7 tolas after admitting Rs.400,000 was paid as dower?

A. No. Her admission and the husband's receipt prevailed; she was granted dissolution on cruelty and maintenance.

53. 2023 CLC 244 — Mst. Safina Noor v. Muhammad Ayub

Before: Kamran Hayat Miankhel, J (Abbottabad Bench); W.P. No. 1259-A of 2019, decided 25 April 2022

Q. Does a marked photocopy of the nikahnama prove 4 tolas, a plot and a house?

A. No. Without the original, nikah khwan, registrar or witnesses, the claim failed.

54. 2022 MLD 1929 — Shaheen Bibi v. Jehanzeb

Before: Qaiser Rashid Khan, CJ; W.P. No. 2235-P of 2019, decided 31 March 2022

Q. What is the limitation for prompt dower?

A. Three years from demand and refusal; absent demand during marriage, three years from dissolution (Article 103). The claim also failed on contradictory proof of the nikah.

55. 2022 CLC 686 — Mst. Rabiyaz Bibi v. Matiur Rehman

Before: Muhammad Naeem Anwar, J (Bannu Bench); W.P. No. 164-B of 2017, decided 20 May 2021

Q. Must the wife prove the quantum of dower she pleads?

A. Yes; pleadings are not evidence. Her claim of 8 tolas failed.

56. PLD 2021 Peshawar 184 — Fazal Rahman v. Mst. Fahmida

Before: Ishtiaq Ibrahim and Wiqar Ahmad, JJ; W.Ps. Nos. 609-M of 2015 and 29-C of 2019, decided 24 March 2021

Q. May an appellate court change the mode of dissolution from khula to another ground?

A. Yes. An appeal continues the suit, so the mode may be changed and dower awarded accordingly.

57. PLD 2021 Peshawar 85 — Khair ud Din v. Mst. Sabiha

Before: Ishtiaq Ibrahim and Wiqar Ahmad, JJ; W.P. No. 847-M of 2019, decided 22 September 2020

Q. On khula after 7-8 years and three children, must paid gold be returned?

A. No. The unpaid one tola was lost, but return of the paid three tolas was not ordered.

58. 2021 CLC 348 — Akbar Ali v. Khair Mohammad

Before: Ahmad Ali, J; C.R. No. 499 of 2008, decided 7 October 2019

Q. Does property given through a registered nikahnama need separate registration?

A. No. The registered nikahnama is an authentic document; ownership was decreed.

59. 2021 YLR 570 — Zahid Akhtar v. Mst. Saima Zia

Before: Mohammad Ibrahim Khan, J (Abbottabad Bench); W.P. No. 1619-A of 2019, decided 24 September 2020

Q. On khula, can gold given besides dower be reclaimed?

A. No. It was a gift and cannot be reclaimed; the nikahnama house had already been sold by the husband.

60. 2021 MLD 109 — Fahad Khan v. Mst. Farukh Tabbassum

Before: Ahmad Ali, J; W.P. No. 510-P of 2019, decided 15 November 2019

Q. Can a wife recover 22 tolas she says were snatched when snatching was not pleaded?

A. No. That part of the decree was set aside.

61. 2021 MLD 1694 — Kamran Sher v. Mst. Sadia

Before: Muhammad Naeem Anwar, J; W.P. No. 1418-P of 2020, decided 4 December 2020

Q. Is a wife living apart entitled to maintenance because dower is unpaid?

A. In principle yes, but not where the dower quantum was genuinely disputed and her pleaded grounds failed; maintenance was refused.

62. 2020 CLC 1874 — Mst. Farhat Imam v. Sajid Nazeef

Before: Sahibzada Asadullah, J (Bannu Bench); W.P. No. 814-B of 2017, decided 27 February 2020

Q. When does a wife lose dower on dissolution?

A. Only on dissolution by khula alone; a khula decree wrongly passed where other grounds were made out was set aside.

63. 2020 YLR 2350 — Jehangir Khan v. Mst. Saeeda Begum

Before: Shakeel Ahmad, J (Abbottabad Bench); W.P. No. 402-A of 2018, decided 2 March 2020

Q. If column 17 does not say whether a house is dower or gift, who decides?

A. The house is given in consideration of marriage either way; the Family Court decides.

64. 2020 YLR 1850 — Mst. Sana Gul v. Usman Khan

Before: Ahmad Ali, J; W.Ps. Nos. 2892-P and 4083-P of 2019, decided 11 October 2019

Q. Is a wife whose 7 tolas are unpaid disobedient for living apart?

A. No. She may refuse cohabitation until paid and remains entitled to maintenance.

65. 2020 CLC 910 — Usman Khan v. Mst. Shehla Gul

Before: Muhammad Naeem Anwar, J; W.P. No. 1639-P of 2019, decided 7 October 2019

Q. Is an admission in cross-examination of the nikah registrar binding?

A. Yes. His admission that 5½ tolas were outstanding decided the claim.

66. 2020 MLD 1091 — Abdul Ali v. Mst. Sani

Before: Ahmad Ali, J; W.P. No. 4974-P of 2019, decided 27 September 2019

Q. Can land promised by the husband's grandfather in a dower deed be decreed?

A. Yes. The grandfather signed and stood surety; the deed was proved through sons of deceased witnesses.

67. 2020 YLR 188 — Pervez Ali v. Mst. Razia Begum

Before: Muhammad Naeem Anwar, J; W.P. No. 4744-P of 2019, decided 30 August 2019

Q. Does the Family Court decide immovable property claimed as dower?

A. Yes, exclusively; the husband's admission of fixation in his written statement was decisive.

68. PLD 2019 Peshawar 218 — Ajmal Khan v. Mst. Falak Negar Bibi

Before: Syed Arshad Ali, J; date of hearing 31 January 2019

Q. Can a wife before rukhsati demand dower or dissolution on its non-payment?

A. No; full dower is due on consummation, death or valid retirement. The marriage was dissolved by khula.

69. 2019 YLR 1945 — Nisar v. Mst. Fauzia

Before: Muhammad Ghazanfar Khan, J (Mingora Bench); W.Ps. Nos. 620-M and 661-M of 2018, decided 7 February 2019

Q. What dower is due where the husband divorces before consummation?

A. Half the fixed dower; not even half if the dissolution is at the wife's demand.

70. PLD 2018 Peshawar 34 — Muhammad Arshad Khan v. Mst. Kulsoom Riaz

Before: Muhammad Nasir Mahfooz, J; W.P. No. 323-M of 2014, decided 10 October 2017

Q. Must a wife who admits no ill-treatment return dower on khula?

A. Yes; the husband's petition was allowed to that extent.

71. 2018 YLR 2505 — Nasir Shah v. Mst. Nasira Bibi

Before: Syed Muhammad Attique Shah, J (Abbottabad Bench); W.P. No. 1090-A of 2015, decided 4 May 2017

Q. Can oral evidence displace column 16 giving a house in lieu of Rs.100,000?

A. No. The nikahnama cannot be bypassed by the husband's oral testimony.

72. 2018 CLC 708 — Liaqat Khan v. Bakht Bibi

Before: Syed Arshad Ali, J (Abbottabad Bench); W.P. No. 8-A of 2016, decided 6 November 2017

Q. Where a deed gives half a house in lieu of dower but states its value as Rs.99, is the wife confined to Rs.99?

A. No. The Rs.99 figure only avoided registration; the wife was held entitled to half the house or its market value, as the deeds plainly intended.

73. 2017 YLR 1514 — Mst. Nosheen Bibi v. Ziaullah

Before: Muhammad Younis Thaheem, J (Mingora Bench); W.P. No. 219 of 2015, decided 15 April 2016

Q. On khula, must the wife return 5 tolas already with the husband?

A. No. That direction was set aside.

74. PLD 2016 Peshawar 109 — Gul Akbar v. Jameela Afridi

Before: Qaiser Rasheed Khan and Assadullah Khan Chamkani, JJ; W.P. No. 867-P of 2015, decided 8 September 2015

Q. Is a wakil-e-nikah who signs as surety liable for dower?

A. Yes; he cannot wriggle out when sued by the wife.

75. 2016 CLC 1668 — Syed Nobahar Shah v. Mst. Salma Bibi

Before: Ikramullah Khan and Muhammad Younis Thaheem, JJ (Bannu Bench); W.P. No. 410-B of 2013, decided 26 March 2015

Q. Who must prove payment of the remaining 39 tolas?

A. The husband; having failed, he must pay.

76. PLD 2016 Peshawar 1 † — Sajed Ullah v. Mst. Shakeela Naz

Bench and date not shown in headnote

Q. Can a jirga impose khula on the wife?

A. No. A divorce pronounced by the husband is talaq, not khula.

77. 2015 MLD 73 — Shah Daraz Khan v. Mst. Naila

Before: Rooh-ul-Amin Khan and Syed Afsar Shah, JJ; W.P. No. 439-B of 2011, decided 25 June 2013

Q. Where 30 tolas were fixed by iqrarnama, how much is recoverable?

A. All but the 6 tolas proved delivered; prompt is due on demand, deferred on death or divorce.

78. 2015 YLR 2375 — Mst. Kulsoom Bibi v. Muhammad Waseem

Before: Yahya Afridi and Rooh-ul-Amin Khan, JJ; W.P. No. 1252-P of 2013, decided 16 June 2015

Q. Is time spent abroad excluded from limitation for prompt dower?

A. Yes, under section 13 Limitation Act; gold as prompt dower was decreed.

79. 2015 YLR 1646 — Abid Ullah v. Mst. Bibi Naseem

Before: Mazhar Alam Khan Miankhel and Qaiser Rashid Khan, JJ; W.P. No. 1275-P of 2012 etc., decided 3 October 2013

Q. Can a husband pay cash instead of the gold decreed?

A. No. He is bound to deliver the gold in kind.

80. PLD 2015 Peshawar 182 — Mst. Shumaila Bibi v. Zahir Khan

Before: Yahya Afridi and Haider Ali Khan, JJ; W.P. No. 3634-P of 2012, decided 18 November 2014

Q. Is the father liable where he signed a nikahnama giving his son's share in his house?

A. Yes, to the extent of the son's share or its present market value.

81. 2014 YLR 1939 — Jehanzeb v. Muhammad Israr

Before: Mazhar Alam Khan Miankhel, J; C.R. No. 1211 of 2011, decided 27 May 2013

Q. Is a dower deed over thirty years old automatically presumed genuine?

A. No. Age alone is not proof where there is suspicion (affirmed in 2025 SCMR 841).

82. PLD 2014 Peshawar 60 — Mst. Salma Bibi v. Muhammad Iqbal

Before: Mian Fasihul Mulk and Yahya Afridi, JJ; W.P. No. 3474-P of 2012, decided 18 September 2013

Q. What follows when dower is unpaid on demand?

A. Maintenance runs until the demand is met; restitution was made subject to payment of dower.

83. 2013 YLR 2616 — Abdul Rashid v. Mst. Shahida Parveen

Before: Mrs. Irshad Qaiser, J; W.P. No. 60 of 2011, decided 6 June 2013

Q. Must a wife of 16 years return paid dower on khula?

A. No. Her years of marriage were consideration enough.

84. 2013 CLC 1538 — Hafiz Ghulam Murtaza v. Mst. Saima Naz

Before: Qaiser Rashid Khan and Rooh-ul-Amin Khan, JJ; W.P. No. 894 of 2011, decided 29 November 2012

Q. Is an iqrarnama on dower proved by its scribe, the register and one marginal witness?

A. Yes.

85. 2013 CLC 1203 — Mst. Rabia Rasheed v. Faisal Mir

Before: Khalid Mehmood, J; W.Ps. Nos. 172 of 2010 and 57 of 2011, decided 11 December 2012

Q. Must the entire dower be repaid on khula?

A. No. The court fixes the compensation in its discretion.

86. 2013 CLC 492 — Noshad Ali v. Mst. Afzanat Rauf

Before: Miftah-ud-Din Khan and Waqar Ahmad Seth, JJ; W.P. No. 3025 of 2011, decided 16 October 2012

Q. How is a gold decree satisfied?

A. In kind, failing which at market value on the date of decision.

87. PLD 2012 Peshawar 164 — Mst. Sarwat Begam v. Farmanullah

Before: Mazhar Alam Khan Miankhel and Fazal-i-Haq Abbasi, JJ; W.Ps. Nos. 525 and 557 of 2011, decided 28 February 2012

Q. How much badl-e-khula should a wife pay from 21 tolas?

A. Reduced from 9 to 5 tolas given the length of the marriage; she keeps the rest.

88. PLD 2012 Peshawar 108 — Mst. Rozeena Khattak v. Raja Abdul Rasheed

Before: Khalid Mahmood, J; W.P. No. 634 of 2011, decided 14 February 2012

Q. What if the husband withholds a land deed mentioned in the nikahnama?

A. An adverse inference arises; the trial decree for the plot was restored.

89. 2012 CLC 1272 — Syed Abu Talib Shah v. Mst. Bibi Rukhsar Zahra

Before: Miftahuddin Khan and Waqar Ahmed Seth, JJ; W.P. No. 1840 of 2010, decided 13 March 2012

Q. May a wife live apart while prompt dower is unpaid?

A. Yes, and the husband must still maintain her.

90. 2011 YLR 2550 — Abdul Wahab v. Mst. Sadia

Before: Miftah-ud-Din Khan and Syed Sajjad Hassan Shah, JJ; W.P. No. 2356 of 2010, decided 13 January 2011

Q. Can 29 tolas fixed in 1990 be decreed after divorce in 2003?

A. Yes; concurrent decrees maintained.

91. 2010 MLD 1118 — Mehdi Khan v. Mst. Armoos Begum

Before: Mazhar Alam Khan Miankhel and Imtiaz Ali, JJ; W.P. No. 936 of 2010, decided 20 April 2010

Q. Is the husband liable for gold snatched by his sister living with him?

A. Yes; his silence amounted to consent.

92. 2009 CLC 1196 — Shah Nawaz v. Mst. Suriya Bibi

Before: Muhammad Alam Khan and Syed Yahya Zahid Gilani, JJ; W.P. No. 243 of 2008, decided 13 May 2009

Q. On khula, what does the wife give up?

A. The 5 kanals in the deed; she keeps the rest of her dower.

93. 2009 CLC 390 — Mst. Rehmat Bibi v. Haji Allah Dewaya

Before: Muhammad Alam Khan, J; C.Rs. Nos. 86 and 87 of 2004, decided 12 December 2008

Q. Is a dower deed transferring property compulsorily registrable?

A. No.

94. PLD 2008 Peshawar 111 — Sifat Aizdi v. Dr. Saima Bashir

Before: Shahji Rahman Khan and Muhammad Alam Khan, JJ; W.P. No. 94 of 2008, decided 28 May 2008

Q. Which court decides property given in dower?

A. The Family Court exclusively, since the 2002 amendments.

95. 2000 CLC 2015 — Nargis Begum v. Zebar Shah

Before: Sardar Muhammad Raza and Mrs. Khalida Rachid, JJ; W.P. No. 1402 of 1999, decided 30 March 2000

Q. In unconsummated khula, what does the wife give up?

A. Half the dower to which she was otherwise entitled.

96. 1997 MLD 1830 — Banaras Khan v. Yasmeen Begum

Before: Mehboob Ali Khan, J; C.R. No. 366 of 1994, decided 8 May 1996

Q. Is a 'tamleek' of a house by the groom's parents valid in addition to dower?

A. Yes; it is a gift to the bride.

97. 1996 CLC 1723 — Mst. Nasreen Bibi v. Maqbool Shah

Before: Nasir-ul-Mulk, J; W.P. No. 97 of 1995, decided 5 March 1996

Q. Is a suit itself a demand for prompt dower?

A. Yes; maintenance was allowed from the suit until payment.

98. 1996 MLD 1931 — Mst. Sheena v. Civil Judge

Before: Abdur Rehman Khan and Jawaid Nawaz Khan Gandapur, JJ; W.P. No. 1100 of 1994, decided 26 June 1996

Q. Can an unregistered dower deed be discarded?

A. No; dower can be proved even orally. The Family Court decree was restored.