# IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. S-306 of 2020
*'Muhammad Arif Khan S/o Muhammad Sharif vs. Shazia Imam and others'*

*AND*

Constitutional Petition No. S-307 of 2020
*'Muhammad Nasir Khan S/o Muhammad Sharif vs. Razia Imam and others'*

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|---|---|
| Petitioners: | Through Syed Amir Ali Shah, Advocate |
| Respondents: | Through Mr. Chaudhry Rashid Ahmad Gujjar, Advocate |
| Date of Hearings: | 10.08.2026, 24.08.2026, 31.08.2026, 04.09.2026, 08.09.2026, and 15.09.2026. |
| Date of announcement: | 30th October 2026 |

## JUDGMENT

**MUHAMMAD HASAN (AKBER), J.-** These two petitions have been pending for the last six (6) years, wherein two identical Orders have been assailed, which have been passed on the same date by the same Court, arising out of a common factual background between closely related parties. Both petitions are therefore heard and decided together through this consolidated Judgment.

2. In C.P No.S-306 of 2020, the petitioner **Muhammad Arif Khan** son of Muhammad Sharif was married to Respondent No.1/ **Mst. Shazia Imam** daughter of Imamuddin. The couple was blessed with **two daughters i.e. Saira** (born on 02-01-2009), who is presently in the custody of the father, and **Ayesha** (born in 2016), who is presently in the custody of the mother.

3. The petitioner in the other C.P No. S-307 of 2020 is **Muhammad Nasir Khan**, son of Muhammad Sharif, who was married to **Mst. Razia Imam**, daughter of Imamuddin/ Respondent No.1. The couple was blessed with **four children**. Three of the children (1) **Rukhsar** (born on 03-10-2008) and (2) **Bilal** (born on 01-07-2013) are in the custody of their father, whereas two children (3) **Rimsha** (born on 05-11-2009) and (4) **Hasnain** (born in 2017) are in the custody of their mother.

4. Both petitioners are real brothers [collectively referred to in this Judgment as '**fathers**'], whereas both Respondents are real sisters [both mothers are collectively referred to as '**mothers**']. There are four Wards and their two siblings involved in these petitions [collectively referred to as **'Wards']**. Both petitioners/ brothers got married to both Respondents/ sisters on the same day i.e. 29-11-2007, in a Joint Wedding Ceremony, and both couples lived in the same house, under the traditional Joint Family System. Both marriages were dissolved by way of *talaq* pronounced on 02-08-2017, and it is an admitted position that on the fateful day of their leaving their matrimonial home, the Respondents could only take with them those infants who were in their arms, while the other Wards remained with the respective fathers/ Petitioners.

5. Both Mothers filed **Guardian Applications No.2168/2017 and 2170/2017** respectively, under Section 25 of the Guardians & Wards Act, 1890 before the learned X$^{th}$ Civil & Family Judge, Karachi (East), seeking permanent custody of those children, who were in the custody of the fathers. Both applications were dismissed by the learned Guardian Court vide common Order dated 12-03-2019. The mothers preferred **Guardian Appeals No.76/2019 and 77/2019** against the common order dated 12.03.2019 before the Court of the VII$^{th}$ Additional District Judge, Model Civil Appellate Court, Karachi (East), which were allowed vide common Judgment dated 13.02.2020 [**impugned Judgment**] whereby the learned appellate Court set aside the common Order and directed that the custody of the minors in both cases be handed over to the respective Mothers, while allowing certain visitation rights and meetings to fathers. Aggrieved by the impugned Judgment, the fathers have initiated these two petitions under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. The Judgment was suspended by this Court vide interim Order dated 03.03.2020, while both parties were directed to produce the Wards on every Saturday between 1:00 p.m. and 3:00 p.m. at the office of the Nazir of this Court for supervised meetings.

6. Heard learned counsel for the parties, perused the record and personally heard and examined in Court the Fathers, the Mothers and all the Wards. The respective contentions of the parties shall be discussed at the relevant portions in this Judgment.

7. The dispute in these petitions arose 9 years back (in 2017), which has been pending for the past six years, in contrast to the guidelines enunciated by the Honourable Supreme Court in '***Arif Fareed vs. Bibi Sara'*** (2023 SCMR 413) emphasize expeditious disposal of family disputes and discourage routine exercise of writ jurisdiction in matrimonial disputes. Before passing this Judgment, I have given due consideration to the record and evidence led by the parties; all the Wards were also called and examined in Court; all factors concerning their welfare were considered, including their education, physical, spiritual & psychological health, religious and moral upbringing, their financial issues and their rights to meet both parents, siblings, grandparents, cousins, relatives etc. The rights and obligations of the fathers and the mothers, including the principles of natural Guardianship and *hizanat* were also considered. Also considered by me are the relevant provisions of the Constitution of Pakistan 1973[1], the United Nations Convention on the Rights of the Child 1989 [**CRC**], the extensive Research and Studies[2] on the subject conducted around the world, the principles settled in the case of ***'Dr. Muhammad Asif Vs. Dr. Sana Sattar and others'*** (CRP No.458/2024 in CPLA No.2514/2024) for protection of the rights of children, the 'Principles of European Law Regarding Parental Responsibilities' by the Commission on European Family Law (**CEFL**), and the various Orders passed by the Honourable Supreme Court of Pakistan in '***Mst. Madiha Younus v. Imran Ahmed'*** (2018 SCMR 1991) and '***Muhammad Riaz and others v. Mst. Surriya Jabeen and others'*** (1985 SCMR 2066) were also considered.

8. In ***'Dr. Muhammad Asif Vs. Dr. Sana Sattar and others'*** *supra*, the Honourable Supreme Court of Pakistan emphasised the need for harmonisation and transformation of

the Act 1890 and other child-related laws, with the UN's Convention on the Rights of the Child 1989 [**CRC**]. The Judgment demands a fundamental shift in philosophical approach by Courts while dealing with child laws, from the perspective of *'welfare of the child'* to the ***'rights of the child'***; the need for a ***child-centred justice system***; the ***child's participation*** during Court proceedings, where the ***child's voice*** is heard; application of **'Alternate Dispute Resolution'** (ADR); **Child Justice** in child-related matters; and the **judicial obligation** to construe and interpret child-related laws from the **dedicated lens of the CRC**. Acknowledging the sensitivity and importance of the issue, the European Union has also implemented ***Principles of Parental Responsibilites***[3] which impose around 39 duties upon the parents *inter alia,* for care, protection, education, maintenance, residence, property and legal representation of the child. As regards the adverse impact of inter-parental conflicts on their children, **Studies**[2] around the world suggest that if parental conflicts are not resolved privately and within a shorter period, the children suffer psychological distress with increased risk of developing fear, anxiety, sadness, depression, insecurity, instability, emotional dysregulation, mood swings and impulsivity. This ultimately hampers the overall psychological adaptation and brain development of the child. Studies further confirm that parental conflict, culminating in divorce, has a direct adverse impact on their child's mental health in multiple ways. When such a dispute enters the litigation phase, the trauma leaves permanent scars on the psychological health and personality of the child. In such a toxic and confrontational atmosphere, the child needs to be provided with a secure and protected environment, free from direct exposure to such hostilities between the parents.

9. In Pakistan, Section 12 of the Guardian and Wards Act 1890 [**Act 1890**], to a large extent, deals with this situation and empowers the Court to pass appropriate orders for production, protection and interim measures for the person and property of a minor. Side by side, section **17A** of the Family Courts Act 1964 [**Act 1964**] empowers the Court to secure financial maintenance of a Ward. Such powers leave the entire exercise at the discretion, understanding and capacity of each individual Family Court, often resulting in added difficulties for the litigant parents and the child. Piecemeal and incomplete Orders/ interim arrangements without a holistic view, and in the absence of a simultaneous, synchronous and overall scheme for all possible relevant issues concerning the child not only add to the financial burdens, logistical issues, multiplicity of litigation and consumption of precious time of the Courts and the parents, but also fuel adversity, hatred and uncertainty amongst the litigant parents. All this ultimately affects the child, in physical, psychological and financial terms.

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1. Protect the marriage, the family, the mother and the child **[Article 35]**; Provide free and compulsory education to children between five to sixteen years [**Article 25A**]; Protect children from engagement in hazardous employments [**Article 11(3)**]; or in vocations unsuited to their age or sex [**Article 37(e)**]. Even while dealing with the issue of Equality of citizens, the Constitution permits the State to make exceptions through special provisions for women and children. [**Article 25**].

2. Mediation Role of Parenting Behavior: By Dr. Stephanie Hess; Impact of Parental Conflict on Children's Mental Health: Rocky Maharjan; Parental Conflict: Outcomes and Interventions for Children and Families, by Reynolds, Jenny, and others; In the Name of the Child: A Developmental Approach to Understanding and Helping Children of Conflicted and Violent Divorce. Johnston, Janet, et al.; 7 Rules to Protect Your Children from Marital Conflict, by Athena Staik; Institute for Family Studies.

10. The above provisions therefore require improvement in the implementation process, a possible solution whereof could be through the introduction of formalised and regulated guidelines and rules applicable across the board and without distinction, to every matrimonial dispute in a custody or even a family case. **Firstly**, a one-window, one-time solution to all issues concerning the child needs to be introduced, which can be achieved through a single combined hearing under **section 17A** of the Act 1964, and **section 12** of the Act 1890. For instance, in every matrimonial/ family/ maintenance/ custody dispute at the very initial stage, a mandatory combined preliminary hearing (under the above provisions) should be fixed by the concerned Family Court, to tentatively decide ALL ISSUES concerning the child, including the interim custody, monthly maintenance, education, health, property, interim visitation [including frequency of meetings, visitations, timings, venue, logistical issues regarding pick-and-drop, expense of each visitation, meetings on other important occasions, religious and cultural festivities, birthdays and school vacations etc., with directions to the parents to cooperate on all other issues concerning the child etc]. **Secondly**, this exercise should also include seeking Periodic Reports to monitor the child's education and health. Such an exercise at a preliminary stage, as a matter of rule, will provide a sense of certainty not only to the litigating parents, but also to the child. This, in addition to saving precious time of the Courts and the parties, will also discourage multiplicity of litigation and Court burden; will reduce litigation expenses; reduce adversity among litigating parents; lesser adversity will induce harmony within the family; and the exercise will duly secure rights of the child and the parents. As for the child, this entire exercise will help create a more conducive atmosphere during the interim period; will certainly improve peace of mind, boost confidence, mental health and certainty in the child's life; and will ensure continued facilitation between litigating parents for the interim period. **Thirdly**, the exercise of discretion can also be narrowed to the extent of certain variables only, depending upon the age, gender, mental maturity, health and opinion of the minor, and even the meeting schedules and venues etc. could be moulded accordingly for toddlers and for other categories of children. The considerations before issuance of such directions should include the gender, age and mental maturity of the child, while the voice of the minor shall also be considered. The above suggestions are therefore strongly recommended for consideration by all concerned, for improvement in the Act 1890, the Act 1964, and the Rules thereunder, for the sake of child rights and for the ultimate benefit of thousands of children entangled in family litigation in our country. The exercise and procedure under section 12 of the Act 1890 and section 17A of the Act 1964 and rules are, therefore, required to be improved and aligned in consonance with the Constitution of Pakistan, the UN's CRC, the guidelines enunciated in *Dr. Muhammad Asif's case supra* and the recommendations discussed above.

11. In the present case, the learned appellate Court identified that neither the question of *hizanat* was discussed by the learned trial Court, nor were the Wards personally examined to assess their opinion. It was also not considered that the fathers were employed in private companies and remained at work from morning till evening, during which time the Wards were looked after by their maternal aunts (sisters of the

fathers), whereas the mothers were housewives and personally available for the care of the Wards. It also concluded that no evidence on record was available to show that the environment at the homes of the mothers was unsuitable or harmful. It was correctly observed that the daughters in both cases had reached, or were approaching the age of puberty, and that a daughter at this stage of her life requires her mother's guidance, understanding, and presence in a manner that no other person can provide. The learned appellate Court therefore concluded that the welfare of the minor daughters lay with their mothers and directed that their custody be restored to them. The above reasoning appeals to logic and therefore, I agree with the same being based upon evidence and sound application of the relevant legal principles and no error apparent on the face of the record, nor any jurisdictional deficiency in the approach of the appellate Court could be found. The error of not discussing the principles of *hizanat* by the learned trial Court, and failure to call and personally meet the Wards to know about their wishes, are additional factors for disagreeing with the learned trial Court's Order.

12. Having said that, while assessing the decisions by the learned Courts below, this Court also cannot overlook the **material changes** in circumstances which have evolved during pendency of these petitions, which highlight two significant aspects. **Firstly,** the rights of (a) the four Wards (engaged in the present litigation) and (b) the rights of their other siblings (not involved in these petitions) should not be restrained because of bad relations between their parents; and **secondly**, the present age of puberty of some of the Wards. The record reflects that *talaq* was pronounced in both marriages on 02-08-2017, when both the mothers left their matrimonial home, and since then, custody of all four Wards has been contested. Since that day, three (out of four) Wards involved in these two petitions [**Saira**, **Rukhsar and Bilal**] are living with their respective fathers, whereas the fourth child [**Rimsha]** is living with her mother. Another conspicuous aspect is that, in addition to the above four Wards (engaged in these proceedings), their other two siblings [**Ayesha** and **Hasnain**], regarding whom no proceedings have been initiated and who have been living with their respective mothers since then, hence no question of disturbing the permanent custody of those siblings not engaged in litigation would arise in these petitions. Details of the Wards are as follows:

**Four (04) Wards involved in these petitions**

| S.No. | C.P No. | Name of the minor | Age | Present custody |
|---|---|---|---|---|
| 1. | C.P No. S-306 of 2020 | **SAIRA** daughter of Muhammad Arif Khan | 17 years | **Father**/ Muhammad Arif Khan |
| 2. | C.P No. S-307 of 2020 | **RUKHSAR** son of Muhammad Nasir Khan | 17 years | **Father**/ Muhammad Nasir Khan |
| 3. | C.P No. S-307 of 2020 | **BILAL** son of Muhammad Nasir Khan | 13 years | **Father**/ Muhammad Nasir Khan |
| 4. | C.P No. S-307 of 2020 | **RIMSHA** daughter of Muhammad Nasir Khan | 16 years | **Mother**/ (Mst. Razia Imam) |

**Two (02) Wards, for which no proceedings have been initiated.**

| S.No. | C.P No. | Name of the minor | Age | Present custody |
|---|---|---|---|---|
| 5. | No proceedings | **AYESHA** daughter of Muhammad Arif Khan | 08 years | **Mother**/ (Mst. Shazia Imam) |
| 6. | No proceedings | **HASNAIN** son of Muhammad Nasir Khan | 08 years | **Mother**/ (Mst. Razia Imam) |

13. The **first aspect**, important and interesting to ponder from the above charts, is the right of every child to meet his/her parents, siblings and even relatives. In the present case, it is unfortunate to note that because of the breakdown of relationships between both Fathers and both Mothers since 02.08.2017, communication between all siblings (four engaged in litigation and two not in this litigation) is completely torn apart, and they have been separated from each other, i.e. some living with their fathers and some living with their mothers. This has practically deprived all six Wards of their Fundamental Right to Family as enshrined *inter alia* under Article 35 of the Constitution of Pakistan 1973, which guarantees Protection to Marriage, the Family, the Mother, and the Child. The Wards are also deprived of their religious and statutory rights to meet both their parents and all their siblings. It is therefore imperative that all Wards involved in these petitions must have the right to meet their parents, as well as their siblings who are not in litigation. This aspect was argued and discussed in detail during the course of hearings, and both sides have unconditionally consented to an arrangement which could ensure visitation and maintenance of these children. In this regard, not only both Fathers and Mothers of the Wards, but their learned Advocates also expressed their genuine interest in playing their respective roles to conduct the above exercise, for the best interests of all the Wards.

14. The **Second aspect** observed from the charts is that the Wards **Saira, Rukhsar** and **Rimsha** are within months of attaining their legal majority. The welfare of these Wards, who are on the verge of attaining puberty/ majority; who have lived continuously with one parent throughout a prolonged period of litigation; who are settled in their schooling; are in their established family environment; and who are of an age and capacity to form and express a considered preference, cannot be served by ordering their abrupt change of custody at this late stage, and that too without even meeting and even seeking their opinion. To uproot such Wards from their current settled circumstances, when each of them is within months of attaining majority, and will then be free to choose their own place of residence, could cause disruption without any corresponding long-term benefit to their welfare.

15. To ascertain these facts, both the Fathers, Mothers and all the Wards were called to record their versions, so that this dispute between the families, which has completely disturbed the lives of these Wards, could be concluded once and for all. Hence, on **10.08.2026**, both petitioners/ Fathers appeared along with the Wards in their respective custody, when the following position was recorded:

> "Pursuant to the last order dated 18.07.2026, three minors [**'Saira'** in CP No.S-306/2020, **'Rukhsar'** and **'Bilal'** in CP No.S-307/2020] our present in court along with their respective fathers and various queries were put to all three minor in Court, on various aspects. Minor, namely, **Saira** is aged about 17 years and few months; **Rukhsar** is also aged about 17 years and few months, whereas minor **Bilal** is aged about 12 years and all of them appear to be intelligent enough to understand the personal custody issues between their parents and they responded quite reasonably to the queries put to them. All three minors during their personal individual interaction with the Court have expressly recorded in open Court that they are living with their respective fathers since past many years and that they wish to continue the same. Further stated that regular weekly meetings which are already being held within the High Court premises pursuant to an earlier order of this court in the instant petitions, are causing inconvenience to all children due to such weekly meetings and requested for some convenient pause between such meetings. Presence of all the three minors, present today in Court, is no more required…"

16. On **31.08.2026,** both Respondents/ Mothers also appeared before this Court along with the Wards in their respective custody, when the following was recorded:

> "In compliance of order dated 24.08.2026, Mst. Shazia Imam along with her daughter '**Ayesha Arif'**, aged about eight years, is present. Mst. Razia Imam along with her daughter '**Rimsha Nasir'**, aged about 16 years and son **'Hasnain Nasir'**, aged about eight years, are also present. All three children were separately called and were asked the same questions, as were inquired from their siblings (the other three children on 10.08.2026, who are living with their fathers). The three children present today have categorically stated that they are happily living with their respective mothers (named above) and wish to continue to live in the same manner without any disturbance.
>
> Both ladies have also given clear consent to the arrangement that the children living with mothers shall continue to permanently remain with them, *whereas*, the children living with their respective fathers, may continue to live with their fathers, subject, however, to monitoring of their regular education, maintenance and health of the children in these petitions.
>
> Both mothers agitate that the maintenance of these three minors living with mothers, are not being paid by their respective fathers since years, despite repeated Orders passed by the learned Family Court in Family Suits 1623/2022 and 1624/2022. In this regard brothers of the Respondents, namely, Muhammad Atif and Muhammad Arshad, present in Court, undertake to furnish copies of the orders by the learned Family Court so that the same could be considered, in order to protect the maintenance rights of the minors involved in these petitions.
>
> Both ladies have also consented to fixation of visitation meetings at the concerned Family Court (instead of the present arrangement with the learned Nazir of this Court) and have also consented that instead of four meetings per month, only two meetings per month on every Saturday may be fixed by the Court, as per the detailed schedule of meetings to be issued by this Court."

17. The Undertakings submitted by the fathers dated **08.09.2026**, read as under:

> **"STATEMENT**
>
> **The above named petitioner most respectfully undertakes before this honourable court that he put himself at mercy of this honourable court and undertake to deposit outstanding amount in respect of maintenance of minor as follows:**
>
> 1. **The petitioner shall continuously pay the due future monthly maintenance of the minors without fail with Nazir from September 2026 onwards.**
>
> 2. **The petitioner shall pay the arrears of maintenance of minors @ Rs.70,000/- per month in regular instalments.**
>
> 3. **Besides the above schedule, he's ready to pay Rs.200,000 as part payment out of total outstanding amount within 3 days.**
>
> **The petitioner undertake that he shall not commit any default, if the above proposed schedule of payment may be accepted.**
>
> 08.09.2026
>
> Counsel for petitioner. sd/- Petitioner/ CNIC No../ mobile No…"

18. Based upon the above, the following Order was passed on **08.09.2026**:

> "Both learned counsel for the parties have concluded their arguments. Both petitioners/fathers… have submitted their respective undertaking, duly signed by them and their advocates, which are taken on record. In the said undertaking, they have undertaken to clear the outstanding maintenance of their respective children so also to regularly pay future maintenance…. For compliance of the above undertaking and further hearing, adjourned to 15.09.2026."

19. Lastly, on **15.09.2026**, both fathers appeared with partial compliance of their Undertakings, and the following Order was recorded:

> "The petitioners/fathers are present in Court along with their learned Advocate. As part payment in compliance with his Undertaking dated 08.09.2026, the petitioner Muhammad Nasir Khan in CP No.S-306/2020 has filed a STATEMENT along with a copy of deposit receipt **No.L-2885** issued by Nazir, District and Sessions Court Karachi South, which reflects that in **Family Suit No.1624/2022, *'Mst. Razia Imam and others versus Nasir Khan'*** before learned XVII Family Judge Karachi South, Muhammad Nasir Khan has deposited a sum of **Rs.200,000/-** on 14.09.2026.
>
> Likewise, as part payment in compliance with his Undertaking dated 08.09.2026, the petitioner Muhmmad Arif Khan in CP No.S-307/2020 has also filed a STATEMENT along with a copy of a deposit receipt **No.L-2886** issued by the Nazir, District and Sessions Court Karachi South, which reflects that in **Family Suit No.1623/2022, *'Mst. Shazia Imam and others versus Nasir Khan'*** before learned XVII Family Judge Karachi South, Muhammad Nasir Khan has deposited a sum of **Rs.200,000/-** on 14.09.2026.

> From the above, it appears that the fathers/petitioners have partly complied with their commitments so far, and they are directed to fully comply with their respective Undertakings in letter and spirit and in the best interest of their children involved by regularly depositing the outstanding amounts as committed by them in the undertakings, and also regular future monthly maintenance of the minors who are in custody of their respective mothers. Learned Advocates from both sides have also concluded their arguments. Reserved for Judgment."

20. I have considered the Orders and Judgments passed by both learned Courts below in these proceedings for Guardianship of the four Wards; the Judgments passed by the learned Family Court in two Family Suits filed by the mothers/ wives for maintenance etc. of the minors; the cooperation and consent extended by both Fathers and Mothers in Court during hearings; the Statements of each of the Ward recorded in open Court during course of hearings of these petitions; the Undertakings dated 08.09.2026 submitted by the Fathers; and the partial compliance of such Undertakings made by them. From the above, it is evident that both sides and their Advocates have fully cooperated with the Court, and almost all relevant contentious issues have also been amicably attended to and resolved/ consented by both sides. Based upon the above, it is therefore concluded that:

(1) **Firstly**, the Petitioners/ Fathers and the Respondents/ Mothers in both these petitions have unanimously submitted to the Court that they have No Objection if the custody of all four Wards [**Saira**, **Rukhsar**, **Bilal** and **Rimsha**] who are involved in these petitions continues to remain with the respective parents where they are presently living, with freedom to travel within the country for vacations. The four Wards were personally met and interviewed in open Court, when they also unequivocally expressed their willingness to continue to remain with their respective parents. **Saira**, **Rukhsar** and **Bilal** categorically stated that they wish to continue to live with their respective Fathers where they are already living, whereas the fourth Ward, **Rimsha,** unequivocally expressed her willingness to continue to remain with her Mother where she is already living (paras 15 and 16). Accordingly, it is ordered by consent of both parents and the concerned Wards that the custody of **'Saira'** [in CP No.S-306/2020] shall continue to remain with her father Muhammad Arif Khan son of Muhammad Sharif; whereas the custody of **'Rukhsar' and 'Bilal'** [in CP No.S-307/2020] shall continue to remain with their father Muhammad Nasir Khan son of Muhammad Sharif. Likewise, the custody **'Rimsha'** [in CP No.S-307/2020] shall continue to remain with her mother Mst. Razia Imam. The respective parents will also have permission to travel only within Pakistan, for vacations etc., to be regulated by the learned Guardian Court. The learned Guardian Court shall also monitor the annual status of health, education and other activities of the four Wards.

**(2)** **Secondly,** the Fathers have already submitted their respective Undertakings dated 08.09.2026, which they have already partly complied with by depositing partial payment of Rs.200,000/- each out of the outstanding maintenance of the minors who are in custody of their Mothers, and they shall also continue to deposit monthly instalments

of the outstanding amounts @ Rs.70,000/- per month, as committed by them in their Undertakings (para 17, 18, 19); they shall also regularly deposit the future monthly maintenance of these children without fail. **It is therefore ordered that based upon the Undertakings submitted by both petitioners/ fathers to this Court (paras 17 and 19), they shall deposit the amounts as committed by them in their Undertakings and, in case of non-compliance, the same be strictly enforced by this Court through proceedings against the respective Petitioner.**

**(3)** **Thirdly,** by mutual consent of both sides and their Advocates, the Meetings/ visitations between the four Wards in these petitions [**Saira**, **Rukhsar**, **Bilal** and **Rimsha**] be held in the following manner, when their other siblings may also meet them:

i. **Regular Meetings:** On 2nd and 4th Saturday of each month, from 10:00 am to 1:00 pm.
ii. **Each Child's Birthday:** from 12 pm till 1 pm.
iii. **Father's Birthday:** from 12 pm to 1 pm.
iv. **Mother's Birthday:** from 12 pm to 1 pm.
v. **Eid-ul-Fitr:** The first working day after Eid, from 10 am till 1 pm.
vi. **Eid-ul-Azha:** The first working day after Eid, from 10 am till 1 pm.
vii. **Venue:** All Meetings [para (i) to (vi)] shall be conducted at the Meeting Hall, within the premises and under the monitoring and supervision of the Family Court.
viii. **Summer vacations:** On the 2nd and 4th Friday of both months during summer vacations, the fathers shall drop the minors at 10:00 am under the supervision of the Family Court, from where the mothers to pick up the children, who shall be returned to the Family Court on the next day (Saturday) at 12:00 pm. If the parties agree by consent, pick-and-drop by the fathers directly to the mother's place can also be arranged, under the supervision of the Family Court. [**Strictly subject to consent of the parties**, same formula can be implemented on 1st and 3rd Saturday of the summer vacations for meetings at father's place regarding the other Wards for which no case has been initiated].
ix. **Winter vacations:** Both Fridays during winter vacations, the fathers shall drop the minors at 10:00 am under supervision of the Family Court, from where the mothers pick the children, who shall be returned to the Family Court on the next day (Saturday) at 12:00 pm. If the parties agree by consent, pick-and-drop by the fathers directly to the mother's place can also be arranged, under the supervision of the Family Court.
x. **Costs:** For each of the Meetings in Court, Fathers shall deposit Rs.1,000/- each, with the Court for disbursement to the respective Mothers.
xi. **Exceptions:** Notwithstanding the above schedule, the meeting arrangements shall be implemented strictly considering the health and education of each Ward, and in case of any difficulty, will be subject to the ruling of the learned Guardian Court.
xii. **Alterations:** The above days, timings, venue or occasions etc. can be altered only with the express mutual consent of the child and both parents.
xiii. **Maintenance:** as already recorded at paragraphs 17 to 19 of this Judgment.
xiv. **Education:** **(a)** the respective parent in whose custody the four Wards are allowed by this Judgment will be at liberty to look after the health and education of the respective Ward, in the school(s) of their choice and other day-to-day needs. **(b)** However, the non-custodial parent shall have the right to make efforts to participate and improve each Ward's education, without disturbing his/her existing school arrangement. **(c)** In this regard, annual reports regarding the educational status/ results of each Ward be submitted by the respective parent before the Guardian Court for further necessary action by the Court. **(d)** Both parents may attend important school meetings, other school functions, or any other activity of the ward, as required, only to improve the confidence, better personality and education of the Child, without creating any embarrassing situation for the Ward. **(e)** Both parents

may approach the Guardian Court for further improvement in the education status of the concerned ward.

xv. **Mutual Cooperation:** considering the ages of the Wards, both the parents are required to act sensibly, being conscious of their serious responsibility towards the children, and they shall not do any act which may prejudice the mind of the ward towards the other parent. [**2018 SCMR 1991**]. Hence, in the best interests of each ward, both parents shall fully cooperate with each other on all matters and documentation(s), etc., as, when and wherever required by the Ward's educational institution, NADRA, Union Council, Immigration or any forum/ department/ authority.

xvi. **Implementation:** For the implementation of this Judgment, as well as for all matters and guidance concerning the rights and welfare of the Wards, the parties shall approach the Guardian Court (except where specifically recorded by this Court). The Undertakings dated 08.09.2026 as recorded at paras 17 to 19 - *ibid* are to be strictly implemented by this Court.

xvii. **Court:** wherever used in this paragraph, shall mean the concerned learned Guardian Judge having jurisdiction under the Guardian & Wards Act, the Family Courts Act 1964 and the Rules thereunder.

xvii. This meeting schedule shall supersede all previous orders concerning meetings of these Wards, including the Order dated 03.03.2020 passed by this Court as an interim measure.

21. These two petitions are therefore disposed of in terms of paragraph 20, along with pending applications, with no order as to costs.

22. Before parting with this Order, this Court appreciates the legal assistance and extensive cooperation, social service and prudence displayed by learned **Mr. Syed Amir Ali Shah Advocate** (for Petitioners) and **Mr. Gujjar Advocate** (for Respondents). The grace and prudence extended by both the Mothers, Mst. Razia Imam and Mst. Shazia Imam, and both the Fathers, while considering the best interests of their children, are also commended.

**JUDGE**