

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.S-687 of 2020

Date	Order with signature of Judge
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1. For hearing of CMA NO.3543/20
2. For hearing of CMA NO.4976/20
3. For hearing of CMA NO.4284/20
4. For hearing of CMA NO.2226/22
5. For hearing of Main Case

07.4.2026

Ms. Sabahat Kiran, Advocate for Petitioner
M/s Ayaz Ahmed Ansari and Salman Sabir, Advocates for Respondent
Mr. Shariq Mubashir, AAG

1. The instant petition was heard and decided on priority today, considering the guidelines of the Honourable Supreme Court in **Arif Fareed's case¹**, that for expeditious disposal and curtailment of family disputes and litigation, writ jurisdiction may not be exercised routinely.
2. The issue involved in this petition is the custody of two minors, Muhammad Ariz Faruqui' [son] and 'Amna Faruqui' [daughter], arising out of Judgment dated 12.09.2020 in G&W Appeal No.89 of 2020 under the Guardian and Wards Act 1890.
3. The Constitution of Pakistan guarantees protection to the rights of children *inter alia*, under Articles 35, 25A, 11(3), 37(e) and 25. The United Nation's Convention on the Rights of the Child 1989 [CRC] accentuate such a duty. The Honourable Supreme Court of Pakistan in **Dr. Muhammad Asif's case²** underscores "rights of the child" while dealing with family disputes, child-custody matters, and child-related laws. The European Union has also introduced **Principles of Parental Responsibilities³**. Multiple research **Studies⁴** around the world conclude that when 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 i.e. mental health of the children.

4. In compliance with the last Order dated 31.03.2026, the Petitioner, the Respondent, and both the children are present today. Both parties jointly state with respect to 'Muhammad Ariz Faruqi' [son], that he has attained the age of majority and the matter with respect to his custody has become infructuous. Order accordingly, the petition to this extent is disposed of, as having become infructuous.

6. With respect to the Ms. Amna Faruqi [daughter], who is aged about 15 years, both the petitioner, the respondent and their respective advocates jointly state by consent that the instant petition can be disposed of based upon the Statement of the daughter to be recorded in Court today, on her choice of parent for her custody and also for meetings. Further, jointly submit that her Statement will be acceptable to both parents, as a final verdict by the child, against which no further contest shall be made by either of the parents. Based upon the above, both parents were requested to leave the courtroom so that an independent statement of the daughter could be recorded. Accordingly, in their absence, but in the presence of their Advocates, in the open Court, both children were examined and the issues discussed. Both appear to be educated, refined, cultured, candid, graceful and highly intelligent, also fully understanding the complications between their parents as well. They also appear to be closely bonded and supportive of each other. Both unanimously state that they love and respect both their parents, and although they prefer to live permanently with their father, they also want to meet their mother, under a regulated meeting schedule, as per their convenience. Both parents were then called back to the courtroom and were informed about the decision of the children, which both of them had gracefully, wholeheartedly and unconditionally accepted and consented to. Hence, acting in a highly prudent and sensible manner and after

1. 'Arif Fareed v. Bibi Sara and others' 2023 SCMR 413

2. 'Dr. Muhammad Asif Vs. Dr. Sana Sattar and others' in CRP No.458/2024 in CPLA No.2514/2024

3. "Principles of European Law Regarding Parental Responsibilities" by the Commission on European Family Law (CEFL).

4. 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.

holistically considering all the above aspects in the best interests of the children, the Father, Mother and both the children cooperated with the Court's above efforts, through the good offices of their respective Advocates, and came up with the following formula:

A. By consent, the instant petition be disposed of, and the impugned Judgment, along with the earlier interim Order dated 22.12.2022, be modified in terms of paragraphs 6-B and 6-C below:

B. The father/Petitioner shall hold the **permanent physical care and custody** of the Child/ daughter, with unrestricted freedom to travel.

C. Subject to para 7, the schedule of other terms between the parties shall, by consent, be conducted in the following manner:

- i. **"Child"** means the daughter, and **"Children"** means both daughter and son.
- ii. **Regular Meetings:** On every alternate Friday evening, the child/ children will travel from Islamabad to Karachi to stay with the mother, with 24 hours' prior information to the mother. The pick-and-drop arrangement from Karachi airport shall be arranged by the mother. The child/ children will return to Islamabad on Sunday evening.
- iii. **Venue:** All Regular Meetings will be conducted at mother's residence in Karachi.
- iv. **Costs:** air travel costs to be borne by the father.
- v. **Video calls:** by child/ children to mother, as per convenience of child/ children, from Monday to Thursday.
- vi. **Child's Birthday:** video call from 4 pm to 7 pm.
- vii. **Mother's Birthday:** video call from 4 pm to 7 pm.
- viii. **Eid-ul-Fitr:** third day of Eid, at mother's place.
- ix. **Eid-ul-Azha:** third day of Eid, at mother's place.
- x. **Summer vacations:** complete third and fourth week of both months, the child/children will stay at mother's place, OR as may be further agreed between the child/ children and the mother.
- xi. **Winter vacations:** complete first week stay at mother's place, OR as may be further agreed between the child/ children and the mother.
- xii. When in Rawalpindi, the mother may meet the children, as may be agreed between her and the child/ children.
- xiii. **Exceptions:** Notwithstanding the above schedule, the meeting arrangements shall be implemented considering the health and education of the daughter, and there shall be no contest on the final decision of the daughter.
- xiv. **Alterations:** The above days, timings, venue or occasions etc. can always be altered, only with the mutual consent of the child/ children and the mother.
- xv. **Maintenance:** Petitioner/ father shall continue to maintain the child/ children.
- xvi. **Education: (a)** Father will be at liberty to look after the health and education of the minor, in the education institution/ school/ college of the children's choice and their other day-to-day needs. **(b)** Both

parents may attend important school/college meetings, other school/college functions, or any other activity of the children, as required, only to improve their confidence, personality and education.

- xvii. **Mutual Cooperation:** 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 children towards the other parent [2018 SCMR 1991]. Hence, in the best interests of the Children, both parents shall fully cooperate with each other on all matters and documentation(s), etc., as, when and wherever required by the Children's school/college or NADRA or Union Council or Immigration, Embassy or any forum/ department/ authority.
- xviii. **Information:** both parties shall inform each other about any emergency circumstances or substantial changes in the health of the child.
- xix. **Implementation:** For the implementation of this Order, as well as for all matters and guidance concerning the rights and welfare of the Child, the parties shall approach the Guardian Court.
- xx. **Court:** wherever used in this paragraph, shall mean the Guardian Court having jurisdiction under the Guardian & Wards Act, the Family Courts Act 1964, and the Rules thereunder.

7. The above arrangement is made Order of the Court, subject to the further consent of the parties that, as regards Muhammad Ariz Faruqi [son], due to his attaining the age of majority, the petition has become infructuous. However, purely in the best interests of the family, he has volunteered to assist his younger sister (the daughter) in this Schedule of Meeting, without any legal obligation, liability or repercussion whatsoever.

8. No further issues remain pending between the parties; this petition, along with the listed applications, therefore, stands disposed of in the above terms.

9. Before parting with this Order, I appreciate the grace, prudence and cooperation extended by Ms. Wajiha Shoaib (mother) and Captain Muhammad Ahmad Faruqi (father), while considering the best interests of their children. The quality of legal assistance and the positive social service rendered by learned Advocates for the parties, M/s. Ayaz Ahmad Ansari and Salman Sabir learned counsel for the Respondent, and Ms. Sabahat Kiran learned counsel for the Petitioner, are also commendable.

JUDGE