

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Constitution Petition No.S-177 of 2025

Date	Order with signature of Judge
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1. For orders on office objections.
2. For hearing of main case.

25.06.2025.

Mr. Abdul Waris Bhutto, Assistant Advocate General a/w
Inspector Sartaj Ali Jagirani, SHO, PS Saddar, Jacobabad.
Mr. Aitbar Ali Bullo, D.P.G for the State.

Miss Mehran Abdullah files Vakalatnama on behalf of petitioner,
and Mr. Abdul Sattar Hulio files Vakalatnama on behalf of respondent
No.6. The same are taken on record.

Learned Assistant Advocate General placed on record statements
on behalf of respondents No.1 and 4. SHO, PS Sadar, Jacobabad, is in
attendance and tenders an unconditional apology to the Court for non-
compliance of the previous directions dated 05.06.2025. He prays for
discharge of the show cause notice and undertakes to remain vigilant and
careful in future. Since compliance with the order dated 05.06.2025 has
been demonstrated, the show cause notice is hereby discharged and
stands vacated.

In compliance of the aforementioned order, the SHO, PS Sadar,
Jacobabad, has produced before the Court the minor suckling child
Bisma, aged about 14 months, who is accompanied by her father, the
respondent No.6.

According to the learned counsel for petitioner, on 27.05.2025 at
approximately about 06.00 pm, the respondents No.6 and 7 allegedly
took forcible custody of minor child Bisma. It is averred that the petitioner
approached the official respondents but to no avail. Learned counsel
further states that the petitioner had previously obtained decree of Khulla
through dissolution of marriage from respondent No.6 by order dated

16.11.2024, thereby dissolving marital relationship between the parties. (Certified copy of Judgment is placed as Annexure A/1).

Learned counsel appearing on behalf of the respondent No.6 denies the allegation regarding forcible custody and submits that the respondent No.6 has not subjected the petitioner to any form of harassment.

The petitioner being real mother of minor baby Bisma has approached this court for seeking custody of her minor daughter, whose custody is presently with her father, the respondent No.6. Given tender age of the minor, and the fact that she is suckling child, the paramount consideration at this stage is her welfare and well being. Under Islamic jurisprudence and prevailing legal principles, custody of child of such young age is ordinarily entrusted to the mother, unless compelling reasons suggest otherwise. No such exceptional circumstances has been brought on record in the present proceedings. Accordingly, as an interim measures and without prejudice to the rights of the parties with regard to permanent custody of the minor and visitation rights etc, custody of minor Bisma is hereby handed over to the petitioner being her mother. The official respondents are directed to provide protection to the petitioner and minor child as and when required.

Learned AAG has submitted that official respondents shall act in accordance with law and ensure the petitioner's protection.

In the light of above, the petition stands disposed of in these terms. The parties shall be at liberty to initiate appropriate proceeding before the competent Court of law having jurisdiction to regulate the custody of minor baby Bisma, which shall be decided on its own merits without being influenced by any observation made in this order.

Let the copy of this order be transmitted to the learned AAG and official respondents for strict compliance.

Judge