

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
C.P.No.S-653 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on MA-1412/2025
- 2. For orders on office objection
- 3. For orders on MA-1413/2025
- 4. For orders on MA-1414/2025
- 5. For hearing of main case.

07.11.2025.

Mr. Muhib Ali Laghari, Advocate for petitioner.
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- 1. Urgency granted.
- 2. Deferred for the time being.
- 3. Granted subject to all just legal exceptions.

4&5. The Counsel for the petitioner, Mir Adil Talpur, argues that the minor, Yusra, allegedly his daughter, was born on 05.02.2015, out of wedlock between the petitioner and his now deceased spouse, Mst. Meena (who expired on 27.12.2021). In support of his submission, he relies on a list of documents available on page 55 of the petition, which forms part of his written statement filed in Guardianship Application No. 99 of 2024, pending before the VIth Family/Guardian Judge, Hyderabad. The copies of the documents, which are also available in this petition, are mostly copies of official public documents, including, interalia, Yusra’s Birth Certificate, NADRA Family Registration Certificate, Pakistan Passport of Yusra, including copy of the UAE Visa page in the said Passport, Succession Certificate dated 13.05.2024 issued by the District Judge Hyderabad concerning Yusra’s Nani’s/maternal grandmother’s succession arising from her Mamoo/maternal uncle Succession Application No.31/2024 filed in the above-mentioned Court, etc. He contends that his brother’s family, namely, his sister-in-law, Mst. Sugra (respondent no.1) and his blood-brother, Mir Farhan (respondent no.2), filed Guardian Application No.99 of 2024 under section 25 of the G&W Act, 1890, seeking custody of Yusra from the petitioner, permanently, on the ground that the respondents nos.1 and 2 are the biological parents and natural guardians of Yusra. Accordingly, when the petitioner challenged the same by way of an application under Order VII Rule11 C.P.C., the Family/Guardian Judge dismissed the said application vide Order dated 20.05.2025 (available on pages 99 and 101 of the Petition), and thereafter, when the petitioner preferred civil revision no.95/2025 to the higher forum, the District Judge upheld the dismissalal order, Hyderabad vide impugned Order dated

08.10.2025. He contends that his brother's family could not seek a declaration concerning Yusra's paternity under Section 25 of the G&W Act, 1890, and such relief could only be sought by way of a civil suit seeking a declaration under Section 42 of the Specific Relief Act, and not in a custody case, such as the one filed by his brother's family. Even otherwise, he contended that more than 10 years had elapsed, and Yusra's paternity could not be agitated by his brother's family; and, no claim could be made out by his brother and sister-in-law claiming to be Yusra's parents under Article 128 of the Qanun e Shahadat. He further submitted that no evidence was required, and the plaint filed by his brother and sister-in-law before the Family/Guardian Judge in Hyderabad, claiming to be Yusra's parents after more than a decade from Yusra's date of birth, was liable to be allowed under Order 7, Rule 11, CPC and the plaint filed by the respondents ought to have been rejected.

Issue notice to the respondents through the VIth Family/Guardian Judge, Hyderabad, in the Guardian Application No.99 of 2024. Meanwhile, the trial proceedings before the learned Vith Family/Guardian Judge, Hyderabad, are suspended till the next date of hearing.

To come-up on 14.11.2025 at 09:00 a.m.

JUDGE

Ahmed/Pa