

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
C.P No.S-526 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
1.	For order on M.A No.35/2025
2.	For hearing of main case

30.10.2025

None is present on behalf of the petitioner. No intimation has been received. The same was the case on 20.10.2025. It appears from the impugned judgment dated 27.11.2024, passed by the learned Additional District Judge-II, Jamshoro at Kotri (“**appellate Court**”) in Guardian Appeal No.07/2024, that the petitioner Mansoor Ali father of the minor is aggrieved by the judgment whereby custody of the ten-year-old minor son was awarded to his mother Mst. Afsana, in the paramount interest of the child’s welfare. According to the appellate Court’s judgment, as well as the observations recorded in the order dated 08.10.2024, passed by the learned Family Judge/Consumer Protection Court, Jamshoro, in G & W Application No.09/2023, the minor had expressed before the Court his desire to remain in the custody of the respondent-mother. Although this aspect was noted by the learned Family Judge, it was not accorded due weight in the order passed by him, whereby custody of the ten-year-old minor was handed over to the petitioner-father. Subsequently, the appellate Court reversed the said decision for reasons delineated in the impugned judgment including, but not limited to, the father’s failure to provide consistent support to the minor, his omission in securing the

minor's B-Form and his neglect in ensuring the registration of the minor's birth and CNIC particulars with NADRA. The Appellate Court rightly observed that the welfare of the minor had to be balanced with right of the father (which was not absolute). Thus, the attachment of the minor with the mother had to be given due consideration too by the trial Court. I do not find any illegality in the impugned judgment dated 27.11.2024 passed by the appellate Court, nor does the record disclose any material that would render the said judgment to be "without lawful authority" or "is of no legal effect". Accordingly, the impugned judgment dated 27.11.2024 is sustained/maintained.

Given the above reasons, this petition is **dismissed**.

JUDGE

AHSAN K. ABRO