

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Constitutional Petition No.S-177 of 2025

DATE **ORDER WITH SIGNATURE OF JUDGE**

1. For order on office objection.
2. For hearing of main case.

11-03-2026.

Mr. Wishandas Kolhi and Ms. Nosheen Pahore advocates for petitioner a/w petitioner.

Mr. Aghis-u-Salam Tahirzada advocate for the respondent a/w respondent.

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After arguing the matter at length, both learned counsel, under instructions, state that the parties have compromised outside the Court in this regard and also filed a joint compromise application (alongwith affidavits of the petitioner and the respondent) duly signed by the parties and their respective counsel with prayer to dispose of instant Petition in the terms of the compromise application. For the sake of convenience, the terms of the compromise application are re-produced as under:

TERMS OF COMPROMISE:

1. That the petitioner voluntarily waives off and relinquishes the maintenance amount of Rs. 7000/- per month granted to her by the learned Family Trial Court vide Judgment and Decree dated 17-02-2024, from the institution of the suit till completion of the *iddat* period and undertakes that she shall not claim the same from the respondent in future.
2. That the petitioner also waives off and relinquishes all past, present and future claims of maintenance of the minor namely Baby Zara Fatima, including milk feed expenses and monthly maintenance granted by the learned trial court.

3. That the petitioner, being the real mother and natural guardian of the minor, has voluntarily undertaken the responsibility for the upbringing and maintenance of the minor by herself and neither she nor any of her agents, attorneys, representatives or successors shall claim any maintenance from the respondent in future.
4. That the petitioner also waives off and relinquishes her claim regarding the return of household dowry articles or the alternate amount of Rs. 250,000/- granted by the learned trial court.
5. That in consideration of the above compromise, the respondent also waives off and relinquishes his claim regarding the return of dower (Haq Mehr) amount i.e. 04 tola gold or its alternate value granted by the learned trial court vide judgment and decree dated 17-02-2024).
6. That with regard to the custody and visitation rights of the minor namely Baby Zara, the parties have mutually agreed to the following arrangement and will also withdraw from execution application:

a) Custody of Minor:

That the real mother shall continue to hold the permanent custody of the minor child, with complete freedom to travel within Pakistan. However, in case of remarriage by the mother, the father shall be entitled to approach the concerned Family Court for review of the custody arrangement and at that time the welfare of the minor may be reassessed.

b) Regular Meetings:

That the father shall have regular meetings with the minor on the 2nd and 4th Saturday of every month from 11:00 a.m. to 3:00 p.m.

c) Child's Birthday:

That on the birthday of the minor, the father shall have the right to meet the minor from 3:00 p.m. till 9:00 p.m., during which time the father shall pick up the minor from the residence of the mother and shall drop

the minor back at the same place upon conclusion of the meeting.

d) Father's Birthday:

That on the birthday of the father, he shall have the right to meet the minor from 3:00 p.m. till 9:00 p.m., during which time the father shall pick up the minor from the residence of the mother and shall drop the minor back at the same place upon conclusion of the meeting.

e) Eid-ul-Fitr:

On the first working day after Eid, the father shall have the right to meet the minor from 10:00 a.m. till 9:00 p.m.

f) Eid-ul-Azha:

On the first working day after Eid, the father shall have the right to meet the minor from 10:00 a.m. till 9:00 p.m.

g) Cost of Meetings:

That for each of the above meetings, the father shall deposit Rs. 1,000/- with the Court for disbursement to the mother.

h) Summer Vacations:

That during summer vacations, on the 2nd Friday of the first month of summer vacations, the father shall pick the minor at 11:00 a.m. on Friday under the supervision of the Court. The Court shall keep the minor for three (03) days, and shall return the minor on Monday at 11:00 a.m. before the Court.

i) Winter Vacations:

That during winter vacations, on the 1st Friday of the winter vacations, the father shall pick the minor at 11:00 a.m. on Friday under the supervision of the

Court. The Court shall keep the minor for three (03) days, and shall return the minor on Monday at 11:00 a.m. before the Court.

j) Venue and Supervision:

That all the above meetings shall be conducted under the monitoring and supervision of the Court, unless otherwise agreed by the parties.

k) School and Welfare of Minor:

That the mother shall remain at liberty to look after the health, education and other needs of the minor, including admission of the minor in a school of her choice. Both parents may attend important school meetings and functions for the better development of the child.

l) Mutual Cooperation:

That both parents shall cooperate with each other in matters concerning the welfare of the minor and shall refrain from doing anything which may prejudice the mind of the child against the other parent.

m) Court:

Means the Learned Family Judge having the jurisdiction where minor resides, for implementation of custody and visitation rights and for any further guidance and for all matters concerning the minor, the parties shall approach the said court.

n) Validity and Revision of Visitation Terms:

That the above terms of visitation shall remain valid for a period of one (01) year. As the minor grows and becomes more comfortable with the father, the hours and days of visitation may be revised and increased with mutual consent of both parties.

o) Right to Approach Court:

That in case of any disagreement in future, either party shall be at liberty to approach the Honourable Court

for modification of the visitation and custody rights of the minor.

In view of above, the compromise application is allowed and by consent of the parties, instant Petition is partly allowed. The impugned Judgment dated 25-07-2025 passed in Family Appeal No. 20 of 2024 by the learned Additional District Judge-II/M.C.A.C, Mirpurkhas and the Judgment and Decree dated 17-02-2024 passed in Family Suit No. 115 of 2022 by the learned Civil/Family Judge, Mirpurkhas are modified in terms of the above compromise. Office is directed to allot C.M.A number to the said application.

This Petition stands partly allowed in the above terms only with the listed application.

JUDGE

Saleem

