

IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. S-1343 of 2025

(Mst. Zobia & another v Asher Imran Sheikh & Ors.)

Date	Order with signature(s) of Judge(s)
Hg:/Priority	

1. For orders on Misc. No.8882/25
2. For hearing of Misc. No.8420/25
3. For hearing of Misc. No.8421/25
4. For hearing of main case.

17.12.2025.

M/s. Ahmed Madni and Peer Ali, Advocates for the Petitioners.
Khawaja Saif-ul-Islam, Advocate for Respondents.

ORDER

Nisar Ahmed Bhanbhro, J. This petition is directed against the order dated 29.09.2025 passed by the Court of XIX Family Judge (South) Karachi in G & W Application No.1246 of 2025 and order dated 19.11.2025 passed by the VIIth Additional Sessions Judge (South) Karachi in G & W Appeal No.179 of 2025 whereby the custody of minor Zohan Sheikh was regulated.

2. Learned counsel for the petitioner submitted that the minor is about 22 months old; therefore, regulating the meeting place at the house of the father is not in accordance with law. He further contended that the meeting place of the minor should be shifted to some other neutral place, keeping in view the fact that the mother and father have separated by way of *Khula*, and that the courts below failed to take this aspect of the case into consideration. He prayed that this petition be allowed.

3. Learned counsel for the respondent submitted that the custody of the minor has been temporarily handed over to the father twice a month for three hours on the 2nd and 4th Saturdays of every month, and that such an order does not prejudice the case of the petitioner. He prayed to dismiss the petition.

4. Heard arguments, perused the material available on record.

5. The petitioner is aggrieved by the order passed by the learned trial Court. It would be convenient to reproduce sub-paragraphs (a), (b), and (c) herein below through which learned trial Court regulated the visitation rights of father:

“a) The applicant is entitled for the custody of minor for three hours on 2nd and 4th Saturday of every month at his house from 04:00 to 07:00 P.M, bailiff shall supervise the handing over and taking the minor subject to his charges Rs.3000/- same shall be paid by father.

b) The applicant is entitled for custody of minor on his birth day and birth day of minor for 3 hours from 04:00 P.M to 07:00P.M.

c) The applicant is entitled for custody of minor on 2nd day of both Eids from 12:00 P.M to 06:00 P.M, bailiff shall supervise the handing over and taking the minor subject to his charges Rs.3000/- same shall be paid by father.”

6. From a perusal of the impugned order, it transpires that the custody of the minor has been handed over to the father on every 2nd and 4th Saturday of each month at his house, from 04:00 p.m. to 07:00 p.m., through the bailiff of the Court. The petitioner's case is that, since the parties are not on cordial terms and the marriage has recently been dissolved, there is every likelihood that the custody of the minor could be disturbed by the respondent/father.

7. Since the only issue involved in the present petition relates to the place of visitation by the father, the learned trial Courts below have passed appropriate orders regarding the meeting of the minor with the father. However, looking at the particular facts and circumstances of the case, it appears that the mother is not willing to hand over custody of the minor in isolation to the father, on the ground that the custody of the minor may be misused or that the father may take the minor elsewhere.

8. Under the circumstances, this petition is granted, and the order dated 29.09.2025 passed by the trial Court is modified to the extent of sub-paragraph (a) regarding the meeting schedule. The father is entitled to meet his son every Saturday from 12:00 p.m. to 02:00 p.m. in the Family Hall of the concerned District Court. The petitioner is directed to produce the custody of the minor before the trial Court every Saturday. The terms and conditions set out by the trial Court in sub-paragraphs (b) and (c) of the order referred supra shall remain intact.

9. The instant petition stands disposed of in the above terms alongwith all listed applications.

JUDGE