

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
CP No.S-678 of 2022

Date	Order with signature(s) of Judge(s)
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1. For orders as to non-prosecution of CMA No.2516/2025
2. For hearing of CMA No.2420/2024
3. For hearing of CMA No.9641/2024

16.03.2026

Barrister Syed Mustafa Mehdi for the Petitioner
Respondent present in person
Mr. Muhammad Kamran, Assistant Advocate General
Mr. Ali Raza Abbasi, Assistant Prosecutor General

This petition was disposed of vide order dated 25.01.2024 whereby custody of minor namely Rohaan Faraz Shaikh was handed over to father taking him back to USA, thereafter instant CMA was filed by the mother Javeria Shahni seeking assistance of the Court for a meeting with his minor son.

It appears that the minor was removed by the petitioner from the premises of this country and mother is residing over here. She seeks a meeting with her minor son which is being denied by the petitioner on the one or other pretext despite of clear directions given by this Court even in the order dated 19.01.2026 with an observation that in case the petitioner fails to arrange a meeting of the minor with the mother, the concession granted through order dated 25.1.2024 may be withdrawn.

Today, Syed Mustafa Mehdi, counsel for the petitioner has placed on record the judgment dated 07.01.2026 passed by the Hon'ble Federal Constitutional Court of Pakistan in the case of Vice Chancellor Shaheed Mohtarma Benazir Bhutto Medical University & others v. Altaf Hussain Soomro (FCPLA No.14 of 2025), whereby Hon'ble Federal Constitutional Court had rendered certain observations regarding the exercise of the jurisdiction by this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. Since this matter pertains to the meeting of the minor with the mother, which under no law applicable universally is restricted even in the United Nations Convention on the rights of the Child, whereby it has been made crystal clear that it is the right of child to have affection and custody with both parents and in case of separation of parents, child is entitled to meet both the parents in accordance with the law.

It appears that the petitioner under the garb of order dated 25.01.2024 intends to deprive the mother a meeting for a life which is nothing but an attempt to usurp the right of a child. It is complaint of the mother since February 2, 2024 she has not seen face of her son. Depriving the mother from the right of meeting with her son is nothing but usurpation of rights of the mother so also that of the child.

In the given circumstances, this Court is left with no option but to recall the order dated 25.01.2024. The order dated 25.01.2024 is recalled. The petitioner is directed to restore custody of the minor as it happened to be on 25.01.2024. In the case of failure, if on the next date of hearing, he fails to bring the minor before Court, the concerned police will be directed to ensure that FIR under the provision of abduction of children is lodged and appropriate proceedings are taken against the petitioner. Depriving mother of the meeting with her minor son is violation of the fundamental rights guaranteed to an individual under the Constitution of the Islamic Republic of Pakistan, 1973 so also the provision of Article 35 of the Constitution which enshrines that the State shall ensure the protection of the family rights of every individual. At present family rights of respondent Javeria has been trodden down by the petitioner which cannot be allowed to sustain anymore. The Ministry of Foreign Affairs, Ministry of Interior, Government of Pakistan and Department of Human Rights Affairs are directed ensure that the Court's orders are implemented and all the measures are taken to ensure that the minor is brought to this Court on the next date of hearing.

A copy of this order shall be sent to the General Court of Justice District Court Division (State of North Carolina) where the matter is seized to inform the Court that the petitioner is violating the fundamental rights of the mother/respondent which are guaranteed under United Nations Convention ratified by United Nations and USA so also Pakistan as the party of the said convention in unclassified manner. Office to send a copy of this order to the Department of Human Rights, Government of Pakistan, to ensure that the orders passed by this Court are implemented.

Adjourned to **20.04.2026**.

JUDGE