

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

C.P. No. S-348 of 2026

‘Syed Abdul Wahab Shah vs. Mst. Fatima Shah and another’

C.P. No. S-394 of 2026

‘Mst. Fatima Shah vs. Syed Abdul Wahab Shah and others’

DATE	ORDER WITH SIGNATURE OF JUDGE
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DATE: 14.07.2026

Petitioner Syed Abdul Wahab Shah present in person.

M/s. Bilawal Bajeer & Sheeraz Ahmed, Advocate(s) for petitioner.

Mr. Saadullah Patoli and Mr. Muhammad Saleemuddin Patoli, Advocates for petitioner in C.P.No. S-394/2026 and for Respondent No.1 in C.P.No.S-348/2026 and

Respondent Mst. Fatima Shah present in person.

Mr. Wali Muhammad Jamari, Assistant A.G, Sindh.

ORDER

MUHAMMAD HASAN (AKBER) J.-- These two petitions have been filed against the single Judgment dated 15.05.2026 which was passed by the learned District Judge Badin upholding the Order dated 01.10.2025 passed by the learned Family & Guardian Judge, Badin, whereby permanent custody of Syed Waqar Ali Shah [minor] has been ordered to remain with the father.

2. CP No.394/2026 has been preferred by mother for setting aside both the impugned Orders, whereas CP No.348/2026 has been initiated by the father for challenging the meeting schedule fixed by the learned appellate Judge.

3. Heard the Petitioner/ father in person, the petitioner/ mother and her counsel, and perused the record with their able assistance. Extensive Research and Studies conducted around the world¹ on the adverse impact of inter-parental conflicts on a child conclude that if parental conflicts are not resolved privately and within a shorter period, the child suffers psychological distress with increased risk of developing fear, anxiety, sadness, depression, insecurity, instability, emotional dysregulation, mood swings and impulsivity. This ultimately hampers the overall psychological adaptation and brain adaptation and brain development of the child. Studies further confirm that a parental conflict, culminating in a divorce, has a direct adverse impact on the child's mental health in multiple ways.

¹ Mediation Role of Parenting Behavior: By Dr. Stephanie Hess; Impact of Parental Conflict on Children's Mental Health: Rocky Maharjan; Parental Conflict: Outcomes and Interventions for Children and Families, by Reynolds, Jenny, and others; In the Name of the Child: A Developmental Approach to Understanding and Helping Children of Conflicted and Violent Divorce. Johnston, Janet, et al.; 7 Rules to Protect Your Children from Marital Conflict, by Athena Staik; Institute for Family Studies.

4. Considering the above, after arguing the matter at length, both the parties along with their Advocates jointly state that they would be satisfied if the instant petitions are disposed of in the terms that while considering the question of the welfare of the minor, the opinion of the minor shall also be recorded in open Court and given due weightage. They further undertake that none of them will be annoyed with the minor on his independent decision, and further state that irrespective of whatever be the result of his custody, a Regular Meeting Schedule may also be finalised so that the minor can regularly meet the non-custodial parent.

Based thereon, the minor, Syed Waqar Ali Shah was personally interacted with and interviewed in open Court, who appears to be a fit, active and intelligent boy of around 11 years of age, studying in grade 6 in Al-Kabeer School, Badin city, with prospects of a bright future. The minor understands the present litigation between his parents, and stated to the Court that he fully respects and loves both his parents, however clearly expressed his desire to remain with his father.

5. Hence, considering the both the learned Courts below have concurrently decided the permanent custody of the minor to remain with the father; and also considering the fact, that the minor is living with his father since past few years; that he is a male having attained the age of 11 years; and finally considering the clear expression of the minor, both the parties themselves jointly stated that they have no objection to the minor's permanent custody to remain with the father, however subject to the following schedule of Meetings of the minor with the mother:

- i. Regular Meetings: On the 2nd and 4th weekend of every month, from 10 am Saturday morning till 10 am Sunday morning.
- ii. Mother's Birthday: from 12 pm to 3 pm.
- iii. Child's Birthday: from 12 pm to 3 pm.
- iv. Eid-ul-Fitr: The second day of Eid from 10 am till next day 10 am.
- v. Eid-ul-Azha: The second day of Eid from 10 am till next day 10 am.
- vi. As jointly requested by both the parties, the father shall conduct pick and drop for the above meetings whereby he shall drop the child under the supervision of learned Family Court-VI Hyderabad (where family Execution Application No. 254 of 2024 for maintenance is already pending) and the mother shall collect the child and drop him with the same Court under the supervision of the same Court.
- vii. Venue: All Meetings to be conducted at the residence of mother.
- viii. Summer vacations: Second and third week of each month in the summer vacations.
- ix. Winter vacations: first week of winter vacations.
- x. Alterations: The above days, timings, venue or occasions etc. can be altered or improved, with the express mutual consent of the child and the mother.
- xi. Education: (a) Periodic reports regarding educational status/ results of the child be submitted every three months by the Respondent before the Guardian Court, which shall be monitored by the learned Court. (b) Both parents may attend important school meetings, other school functions, or any other activity of the child, as required, only to improve the confidence, better personality and education of the Child.
- xii. Gifts: All Gifts from the mother shall be delivered to the child personally, through the Guardian Court.
- xiii. Mutual Cooperation: Considering the child's age, both parents are required to act sensibly, being conscious of their serious responsibility towards the child, and they shall not do any act which may prejudice the mind of the child towards the other parent [2018 SCMR 1991]. Hence, in the best interests of the Child, both parents shall fully cooperate with each other on all matters and documentation(s), etc., as, when and wherever required by the Child's school, or NADRA, or Union Council, or Immigration, or any forum/ Department/ authority etc. and in this regard, the learned Guardian Court may pass appropriate Orders for its implementation.

- xiv.** Implementation: For the implementation of this Order, as well as for all matters and guidance concerning the rights and welfare of the Children, the parties shall approach the concerned learned Guardian Court.
- xv.** Action: The learned Guardian Judge may take action against the non-cooperating party found involved in deliberate avoidance of any term of this Order.
- xvi.** Court: wherever used in this Order, shall mean the concerned learned Family Judge, Badin at present, and for the future, shall also include the Family Court having jurisdiction under the Guardian and Wards Act, the Family Courts Act 1964 and the Rules thereunder. The learned Guardian Court may make further Orders in the interests of the minor, as deemed appropriate.
- xvii.** In order to ensure that the custody of minor is not removed, the father shall submit with the Additional Registrar of this Court within Seven (07) days, (i) Copy of Passport is prepared (ii) Copy of CNIC (iii) His mobile number (iv) P.R Bond in the sum of Rs. Two Million.

6. In view of the above, both the Judgments impugned are therefore upheld, in addition whereof, the above arrangement between the parties is made the Order of the Court. Office is directed to send copy of this order to the learned Family Judge Badin in Guardian & Wards Application No. 102 of 2023 and learned Family Court-VI, Hyderabad for information and compliance.

Both petitions therefore stand disposed of in the above terms, along with the pending applications, with no order as to costs.

7. Before parting with this Order, I appreciate the grace, prudence and cooperation extended by Ms. Fatima Shah (mother), who is also an Advocate, and Syed Abdul Wahab Shah (father) for considering the best interests of their child. The quality of legal assistance and the positive mediation and social service rendered by learned Advocates for the parties, M/s. Bilawal Bajeer and Sheeraz Ahmed learned counsel for the petitioner, M/s. Saadullah Patoli and Saleemullah Patoli learned counsel for respondent / mother, and Mr. Wali Muhammad Jamari, Assistant A.G, Sindh, are also commendable.

Judge