

IN THE HIGH COURT OF SINDH, KARACHI

C.P No.S- 788 of 2026

| Date | Order with signature of Judge |
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1. For orders on office objections No. 1 as at "A".
2. For hearing of main case.

**21.09.2026**

Mr. Qadir Hussain Khan, Advocate alongwith Petitioner.  
Mr. Abid Hussain Chang, Advocate alongwith Respondent.

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**MOHAMMAD OSMAN ALI HADI J.:** The Petitioner is present in person and submits that her two children have been detained by Respondent No.5, who is her former father-in-law. She states that her husband passed away on 16.03.2025, after which Respondent No.5 had taken the two daughters and they remained with the Respondent No.5. She pleads that she being the natural guardian seeks custody of her children returned to her.

Learned counsel for Respondent No.5 submits that the Respondent No.5 has means to support the children and that the children are in better custody of Respondent No.5 because of such reason. He has referred to previous Order dated 07.09.2026, whereby, a Settlement was proposed on certain terms and conditions. Counsel now submitted that the Petitioner is no longer following the said terms and conditions. He states that accordingly due to such action of the Petitioner, the custody is to remain with the Respondent No.5. Counsel also states that there is a Guardian and Ward Case pending before the Court at Digri, in light of which he submits that the instant Petition is not maintainable.

I have heard the learned Counsels and gone through the File. There is no cavil that the two minor children should remain in the custody of a natural parent, which in the instant case is the Petitioner. This is particularly important considering that the two children are minor girls and nothing contrary to their welfare has been shown otherwise. Insofar as the objection of the Counsel for Respondent No.5 is concerned regarding maintainability of this Petition, the same objection is overruled on the ground that the

mother is the natural guardian of the minor children, and she does not need to establish her right to have custody of her own children. It is further noted with concern that despite the fact that the Petitioner being a mother of the children resides in Karachi, Respondent No.5 has opted to file a Guardian & Ward case against her in Digri, which is a considerable distance from Karachi.

The Petitioner has contended that the said Settlement, which was recorded by Order dated 07.09.2026 could not be maintained, as after such Order was passed, she states that Respondent No.5 and his family (being her former in-laws) had become hostile, therefore, she does not want to reside with them nor is the same in the betterment of the minor children, as there were constant disagreements between the parties. The Respondent No.5 is present and states that he is willing to amicably handover custody of the minor girls to the Petitioner, and should he have any claim he will assail the same before the relevant Guardian and Ward Court at Karachi. Respondent No.5 has further undertaken that he shall hand over the minor girls to the Petitioner in an amicable manner on or before 28.09.2026. This resolves the present controversy insofar as the Petitioner is concerned. In the event there is any violation of this Order, the concerned party shall be at liberty to file an appropriate contempt application or otherwise pursue their legal remedy. The minor children will be handed over to the Petitioner in the premises of Sindh High Court at Karachi as per the joint request of the parties on 28.09.2026 at 11:00 A.M before the Nazir of this Court and a report accordingly should be placed in this File.

This Petition stands disposed of in the above terms.

Judge