

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P.No.S-1770 of 2018.

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on M.A-300 of 2019.

15.02.2019.

Mr. Altaf Hussain Chandio, Advocate for the applicant/surety.

Mr. Wali Muhammad Jamari, Assistant A.G.

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Urgent application granted.

Through M.A. No.5872 of 2018, the applicant/surety seeks return of surety documents furnished by him on behalf of Mst. Sughran, the mother the petitioner No.1.

A review of the record reveals that this Court on 12.10.2018, passed the following order:-

“ Petitioner No.1 Mst. Asia produced by Darul-Aman authority. On query petitioner No.1 states that she is ready to go with her moth. She being sui-juris at liberty to go where she wants to go. Her custody is handed over to Mst. Ghulam Sughran W/o Haji Khaskheli being mother of petitioner No.1, who is present in Court subject to furnishing solvent surety in sum of Rs.5,00,000/- and PR bond in the like amount to the satisfaction of Additional Registrar of this Court. Mst. Ghulam Sughar the mother of petitioner No.1 is directed not give custody of petitioner No.1 to any other person without permission of concerned Family Court.

Petition stands disposed of in above terms. “

Pursuant to such order, applicant/surety furnished the aforementioned surety, which as per report of the Additional Registrar is lying in office.

Thereafter, respondent No.12 filed contempt application (M.A-5854/2018), which was dismissed vide this Court's order dated 28.01.2019, which is as under:-

“ Learned counsel for the applicant files a statement where learned State Counsel files comments on behalf of respondent No.2, taken on record.

Through instant contempt application bearing M.A-5854/2018, it is alleged that violation of this Court's order dated 12.10.2018 has been committed by Mst. Ghulam Sughran, the mother of Mst. Asia as she has handed over hr custody to the petitioner No.2, her husband. This application is moved on behalf of one Javed s/o Ghulam Rasool. No proof of assertions that the custody of Mst. Asia was handed over to someone else has been provided. Nonetheless, Mst. Asia is sui-juris

and in my humble view no restraint could be imposed on her decision to spend her life in accordance with her wishes. In these circumstances, the contempt application is dismissed. However, the applicant is warned that in case any frivolous applications are moved in future, compensatory costs will be imposed.”

Now applicant/surety has moved the instant application (M.A-5872/2018), for return of surety documents on the ground that since this Court has already observed that petitioner No.1 Mst. Asia being sui juris was set at liberty to go wherever she likes and that no restraint could be imposed on her decision to spend her life in accordance with her wishes, thus the purpose of furnishing the aforementioned surety has achieved and the same is no more required by this Court. Additional Registrar has submitted an affirmative report.

Learned A.A.G. recorded her no objection.

In view of above, the instant application is allowed. Office is directed to return the surety documents to the applicant/surety after proper verification and identification, as per rules.

JUDGE

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