

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr. Misc. Appln. No.S- 118 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on MA-1879/2021
2. For orders on office objection
3. For hearing of main case.

08.03.2021.

Mr. Shakeel Umar, advocate for the applicant.

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1. Urgency granted.

2to3. The applicant by way of making an application u/s 491 Cr.P.C sought for custody of kids for the reason that they have been detained illegally for their father, it was dismissed by Ist. Additional Sessions Judge, Kotri with an advise to the applicant to seek redressal of her grievance by approaching family Court having jurisdiction. Consequently, applicant filed a Guardianship Application for custody of her kids before Family Court at Kotri. In the meanwhile, has filed instant application u/s 491 Cr.P.C before this Court.

On being asked why the instant application u/s 491 Cr.P.C has been filed before this Court during pendency of Guardianship application? It is stated by learned counsel for the applicant that the private respondent is not contesting the Guardianship application and now has shifted the custody of the kids to District Naushero Feroz.

If, the kids now have been detained at Naushero Feroz then it is the beyond the territorial appellate limits of this Court; therefore, the applicant subject to maintainability has to make an application under Section 491 Cr.P.C before the Court having jurisdiction.

Consequent upon above discussion, the instant Criminal Misc. Application u/s 491 Cr.P.C is dismissed in limini.

JUDGE