

ORDER SHEET
THE HIGH COURT OF SINDH, AT KARACHI

C.P. No.S-326 of 2021

Mst. Hira Imam

Versus

Hasan Khurshid Hashmi

Date	Order with signature(s) of Judge(s)
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1. For hearing of main case.
2. For orders on CMA 2207/21

Dated: 22.04.2021

Mrs. Naveen Merchant for the petitioner.

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After detailed arguments, learned counsel for petitioner concedes that in terms of Rule 6 of West Pakistan Family Court Ordinance, 1965 perhaps the territorial jurisdiction was rightly exercised by respondent by approaching trial Court as observed in the impugned order of the appellate Court.

However the question of welfare of the ward related to his production before the Court is still open as the petitioner/respondent in the suit is residing at Tando Adam. Per learned counsel, it would be difficult for the petitioner to produce the minor on every date of hearing. This being a question of fact and since both the Courts below have not commented on this point, it would be unfair if any finding is given by this Court which is seized of the matter in relation to the territorial jurisdiction of the trial Court only. Hence, I dispose of this petition with the observation that the territorial jurisdiction was rightly exercised by the respondent in filing suit in terms of Rule 6 of ibid law. Petitioner however is at liberty to move any such application in view of order of production of the minor, since petitioner claims that it would not be in welfare of the minor to produce the child on every date of hearing as she hails from Tando Adam now. In case such application is

filed, trial Court may hear the parties on such application and decide the controversy in a month's time.

J U D G E