

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

Cr. Misc. A. No.S- 234 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on M.A- 3659 of 2022.
2. For orders on office objection.
3. For orders on M.A- 3421 of 2022.
4. For hearing of main case.

18.04.2022

Mr. Abdul Haq Qureshi, Advocate for applicant.

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1. Urgency granted.

2 to 4. Heard learned counsel for the applicant and perused the record. Being relevant, paragraph-6 of the impugned order (available at page-21 of the Court file) is reproduced hereunder:-

“ The record coupled with reports submitted by official respondents reflects that the alleged detainees are residing with her maternal uncle/private respondents and both the detainees in open court flatly refused to go along with their father present in court on account of maltreatment. Let it be cleared that the custody of minors with maternal uncles/private respondents is only temporary one and for seeking permanent custody of the minors both the parties are at liberty to approach the concerned guardian court for redressal of their grievance, if so advised. With these observations, the instant application stands dismissed accordingly.”

In view of above, when applicant being father is claiming custody of the minors/alleged detainees, who are at present with their maternal uncles, is improper. Needless to mention that minors are not of tender age, hence keeping in view the dictum laid down in the case of **Mst. Nadia Perveen v. Mst. Almas Noreen and others** (PLD 2012 Supreme Court 758), Guardian and Wards Court would be competent to decide the fate of the interim as well as permanent custody of the minors/alleged detainees. Accordingly, the instant criminal miscellaneous application is dismissed alongwith listed application. However, the applicant would be at liberty to approach the concerned Guardian and Wards Court and seek his remedy in accordance with law.

JUDGE

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