## ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

## CP.No.S-1382 of 2014.

Date Order with signature of Judge

For hearing of main case.

## 11.04.2018

M/s. Rizwan Ahmed Siddiqui, Advocate and Barrister Furqan Siddiqui, for petitioner.

.....

At the outset, learned counsel has emphasized over the relevant paragraph of impugned judgment which speaks that:

"I have considered the arguments advanced by the both sides and perused the record. From a perusal of record it appears that the applicant is real mother of the minor therefore, she has right to see his child and to meet him. At this stage no reasonable ground has been furnished by the applicant to give her interim custody of the minor till final decision of the case, who is residing with the respondent since last four years however, the applicant is allowed to meet her child/minor before this court therefore, the respondent is directed to produce the minor on first and last Saturday for the purpose of meeting with the applicant. The applicant shall pay a sum of Rs.600/- to the respondent for production of the minor as fare charges. The meeting shall be held at 10:00 AM to 12:00 PM. This order is based on tentative assessment and shall not affect merits of the case."

Though, petitioner (mother) agitated before the trial Court for the custody of minor but her prayer was not allowed and only visiting right was allowed with direction to the respondent to produce the minor on first and last Saturday for meeting purposes with rider that applicant shall pay a sum of Rs.600/- to the respondent for the production of minor as fare charges. Learned counsel contends that this embargo is not legal and against the spirit of visible and invisible laws as mother cannot be compelled to pay fee to the father for production of minor, hence, he would not challenge the whole judgment except the findings with regard to payment of fare charges.

Perusal of judgment reflects that petitioner (mother) failed to make out her case for custody, however, she was allowed to meet the minor and respondent was directed to produce the minor twice in a month as well petitioner was directed to pay Rs.600/- towards fare charges. Since the petitioner (mother) was declined permanent custody of minor on the ground that she failed to substantiate her plea and only

meeting was allowed, hence, the rider that she is required to pay fare charges, which apparently is not justified and against the basic principles of law as father is required to maintain the minor. Accordingly, instant petition is disposed of; impugned judgment is maintained, however, the last portion of findings with regard to payment of fare charges is set aside.

 $\mathbf{J}\,\mathbf{U}\,\mathbf{D}\,\mathbf{G}\,\mathbf{E}$  Sajid