

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No.S-529 of 2021

Date	Order with signature of Judge
------	-------------------------------

1. For orders on office objections
2. For hearing of main case.

18.11.2021

Mr. Qadir Hussain Khan, advocate for the petitioner
Ms. Bushra Sehar, advocate for respondent along with
respondent No.6 and minor

Through this petition, the petitioner prayed for recovery of minor and requested for handing over the custody of minor to her.

2. Heard the arguments of learned Counsel for the petitioner, learned Counsel for the respondent and perused the record available before me.

3. Admittedly, the scope of filing a constitutional petition is very limited and unless there is no other efficacious remedy to be availed for the rights, nobody could invoke the jurisdiction of this Court under Article 199 of the Constitution of Pakistan, 1973. In the case in hand, the efficacious and alternate remedy available to the petitioner is to approach the Guardian & Ward Court under Guardian & Ward Act which the petitioner skipped and directly approached this Court. Despite repeated query put to the learned Counsel for the petitioner, he failed to satisfactorily reply as to how he skip the proceedings before the appropriate forum under Guardian & Ward Act and invoke jurisdiction this Court under Article 199 of the Constitution of Pakistan, 1973 seeking custody of a minor.

4. In view of above circumstances, the petition is dismissed as not maintainable along with pending applications. However the petitioner is at liberty to approach Guardian & Ward Court for redressal of her grievance according to law, if she so desires.

JUDGE

