

ORDER SHEET

HIGH COURT OF SINDH AT KARACHI

C.P No.S-1799 of 2015

Date	Order with signature of Judge
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For hearing of Main Case

20.11.2015.

Ms. Saima Muhammad Jameel, advocate for the petitioner.

SI Zahoor P.S. Saddar.

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Mr.Muhammad Hafeez Sandhu advocate has filed Vakalatnama on behalf of the respondent No.1 which is taken on record.

This petition has been filed on the ground that Mst. Agnas Bibi was married to Javaid Joseph on 17.02.2007 as per the Christian Law and thereafter three children, namely, Sawera Joseph, Sami Joseph and Danial Joseph aged about 7 years, 5 years and 5 years respectively were born to them. However, the relationships between the parties were strained and thereafter the petitioner left the house of the respondent however the children were kept by the respondent No.1. Counsel for the petitioner states that the respondent No.1 has contracted a second marriage and the children are living with the step mother and the respondent No.1. She states that the petitioner is real mother of the children and a natural guardian hence custody of the minors may be handed over to the petitioner as the respondent is not taking good care of the children and has not even admitted them in any school.

The learned counsel for the respondent No.1 has opposed this petition and states that the petitioner has no source of income to look after the said children and the respondent No.1 is taking good care of them, hence custody of the minors may not be given to the mother keeping in view the wellbeing of the children.

I have heard both the learned counsel at considerable length. There is no denial to the fact that the petitioner is the mother of the children and is their natural guardian. It is also an admitted position that the children

presently are residing with their step mother along with the respondent No.1 who has not even admitted them in any school. I therefore keeping in view the above circumstances, and in view of the wellbeing of the said children hand over their custody to the petitioner. However, the respondent No.1 would be at liberty to adopt legal procedure with regard to visitation rights as well as other rights which would be decided by the competent Court of law.

Petition stands disposed of accordingly.

JUDGE