

ORDER SHEET  
THE HIGH COURT OF SINDH, KARACHI

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Date                                      Order with signature of Judge  
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**CP.No.S-436 of 2020**

1. For hearing of CMA No. 3473 of 2020.
2. For hearing of CMA No. 3474 of 2020.
3. For hearing of main case.

**CP.No.S-429 of 2020**

For hearing of main case.

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**22<sup>nd</sup> September, 2020.**

Ms. Afroz Haq, advocate for petitioner in CP.No. S- 436 of 2020, as well as files vakalatnama on behalf of petitioner in CP.No.S-429 of 2020, which is taken on record.

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Mr. Basam Ali Dahri, advocate files vakalatnama on behalf of respondent No.2 in captioned petitions.

Through petition No. 436 of 2020 petitioner (father) has prayed that:-

- i. Declare that the actions of the Respondent No.1 are unlawful, illegal and indignant to its duties as *locus parentis* to the Minor Wards;
- ii. Declare that the Petitioner is entitled to a substituted schedule of visitation / meetings in given circumstances;
- iii. (For purpose of 'ii') Declare that the scheme of visitations / meetings settled by the Respondent No.1 on 02.08.2018 is required to be positively enforced, including by way of surrender of physical custody of the Minor Wards to the Petitioner;
- iv. (For purposes of 'iii') Direct the Respondent No.2 (including persons acting under her, through her and /or on her behalf to provide uninterrupted, unhindered and unobstructed access to the Petitioner;
- v. (Without prejudice to foregoing) Direct the Respondent No.2 to ease access of the Minor Wards in favour of the Petitioner as prayed for in his latest Application with regard visitations/meetings on *Eid ul Fitr*;
- vi. Grant any other relief (s) deemed necessary and appropriate in given circumstances;

vii. Grant costs of proceedings.

2. Through petition No. 429 of 2020 petitioner (father) has prayed as under:-

- i. Declare that the actions of the Respondent No.1 are unlawful, illegal and indignant to its duties as *locus parentis* to the Minor Wards;
- ii. Declare that the Petitioner is entitled to a substituted schedule of visitation /meetings in given circumstances;
- iii. (For purpose of 'ii') Declare that the petitioner is entitled to engage the Minor Wards through vide conferencing/calls;
- iv. (For purposes of 'iii') Direct the Respondent No.2 (including persons acting under her, through her and /or on her behalf to provide uninterrupted, unhindered and unobstructed access to the Petitioner;

**WITHOUT PREJUDICE TO FOREGOING & STRICTLY IN THE ALTERNATIVE;**

- v. Direct the Respondent No.1 to decide pending matters (including plea for substituted visitations /meetings) expeditiously;
- vi. Grant any other relief (s) deemed necessary and appropriate in given circumstances;
- vii. Grant costs of proceedings.

Admittedly, Guardian & Wards' application No. 953 of 2018 is pending before the competent court wherein, by order dated 02.08.2018, application for custody was denied, however, visitations were allowed. Accordingly, petitioner (father) challenged that order with the prayer to amend the schedule, whereas, in petition No. 429 of 2020 petitioner seeks visitation through video link due to covid-19 pandemic. Since minors are aged about seven and nine years respectively; father is UK national and due to the said pandemic he is stuck here in Karachi; though mother was living there but due to differences she left U.K. and now she is residing with her parents at Karachi; custody and welfare of minors is yet to be decided by the Guardian and Wards Court, however, visitation allowed by trial Court has been assailed by the father here in captioned petitions with two prayers i.e. change in visitation ship schedule and video link.

Admittedly schools of minors are yet not opened; Covid 19 pandemic is still existing; petitioner himself is seeking meeting on video link, hence, both petitions are disposed of alongwith pending applications with direction to concerned judge to decide the Guardian and Wards application within one month on day to day proceedings with compliance report. Order of visitation allowed by the trial Court is modified; parties may continue visitation in similar fashion, i.e. through video link, as previously observed.

JUDGE

Sajid