

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**CP NO.S-286/2022**

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Date

Order with signature of Judge  
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**08.11.2022**

Mr. Muhammad Salman Meo advocate for petitioner.

Mr. Shehzad Bashir advocate for respondent.

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Heard learned counsel for respective parties.

By a splendid judgment passed on 26.05.2021, Guardian and Wards Court reached on the conclusion that custody shall remain with the father, however visitation rights were given to the mother. Relevant portion of the judgment is that :-

“On the basis of above discussion, I do not find any cogent reason to hand over custody of minor to applicant as applicant has not established that welfare of minor lies under her custody, at present minor is under the custody of respondent and settled/habitual with his father/respondent, under above observation, said case is hereby dismissed with no order as to cost, however, applicant being real mother of the minor is entitled for visitation rights with the minor, until and unless, there appears something contrary. In view of above mentioned circumstances on record and as minor is about 4 ½ years old, therefore meeting of minor is to take place at the house of applicant on every 1<sup>st</sup> and 3<sup>rd</sup> Sunday of English Calendar month from 10.00 a.m till 05:00 p.m through Court-Bailiff, Conveyance fee as Rs.1000/- be paid by applicant to bailiff for each said meeting.

On the occasion of birthday of said minor and of applicant's birthday, meeting of said mentioned minor with applicant be held from 11.00 am till 07:00 p.m. On the occasion of Eid-ul-Fitar and Eid-ul-Adha, meeting and custody of minor be handed over to applicant on first day of Eid-ul-Fitar from 10.30 am to till 07:00 p.m and on second day of Eid-ul-Adha, custody of minors be handed over to applicant from 10.30 am to till 07:00 p.m. For Summer vacations custody of minor will be handed over to applicant after minor reaches the age of 6 years for the 1<sup>st</sup> half of the vacations whereas in winter vacations, for second half of vacations.

Applicant is directed to deposit her Original CNIC and Passport in Nazarat branch in compliance and before taking over of minor's custody from respondent for meeting allowed at her house and also to deposit P.R. bond of Rs.1,00,000/- for each said meeting at home. Both parties are directed to not to remove the custody of minor from the Jurisdiction of this Court prior permission, respondent is directed to hand over the temporary custody of minor to the applicant as mentioned above. Parties may approach the Court if they deem any other way suitable for conveyance purpose.”

According to counsel for petitioner, visitation schedule is not justified. Admittedly mother has not challenged permanent custody of the minor when admittedly nine months' boy was handed over to the father whereas father is not happy with the visitation as per schedule. Perusal of above judgment reflects that the Court below has rightly decided the issue and this is not a case of writ of *certiorari* whereby this court may interface with the judgment of the trial court. Petition is dismissed.

**J U D G E**