

# **HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**

**C.P No. S-771 of 2022**

[Ghulam Murtaza versus Province of Sindh & Ors

**17.10.2022**

Mr. Waheed Ali Lashari, advocate for petitioner

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## **ORDER**

**ADNAN-UL-KARIM MEMON, J.-** Through this petition, the petitioner seeks directions to the official respondent to recover and produce the alleged detainee Mst. Azrah daughter of Jumoon before this Court

2. Mr. Waheed Ali Lashari learned counsel for petitioner submits that the petitioner and the alleged detainee had contracted free will marriage on 06.09.2021 and thereafter they were living happily; however, about 15 days ago brother and cousin of alleged detainee came to petitioner's house and took away the alleged detainee on the premise that mother of alleged detainee is admitted in Hospital due to heart attack and since then they are not allowing her to come back to petitioner's house.

3. On being confronted with the position that since admittedly the alleged detainee went to her parent's house according to her own will and presently living there, then how it can be presumed that she is under illegal confinement?

4. Learned counsel while repeating the arguments submits that the alleged detainee is legally wedded wife of petitioner, therefore, official respondents may be directed to produce her before this Court and after recording her statement, she may be set at liberty to either go with her husband/petitioner or with her parents.

5. In my view living in parents' house cannot be said to be in illegal confinement and if it is presumed that the alleged detainee is legally wedded wife of petitioner, even then the petitioner has the proper remedy before the competent forum; however, this petition is not maintainable. Accordingly, the instant petition stands dismissed along with pending applications being not maintainable.

JUDGE

Sajjad Ali Jessar