

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
C.P No. D-5363 of 2022

Dated Order with signature of Judge.

Fresh case

1. For order on Misc. No.22931/2022
2. For order on Misc. No.22932/2022
3. For hearing of main case.

16.09.2022.

Mr. Qadir Hussain Khan, Advocate for the Petitioner.

YOUSUF ALI SAYEED, J.- The Petitioner seeks the constitution of a Medical Board by the Secretary of the Health Department, Province of Sindh, for examination of the Respondent No.5 so as to ascertain his mental unfitness as a precursor to his confinement in a mental facility.

Apparently, the Petitioner and his wife had adopted the Respondent No.5 as their son, but had subsequently disowned him after which he is said to have started harassing them along with other so called 'Gunda elements', prompting them to file Criminal Miscellaneous Application No.1840 of 2022 before the Court of the learned Justice of Peace/VIIth Additional District & Sessions Judge, Karachi South seeking the registration of an FIR.

That Application came to be dismissed vide an Order dated 19.08.2022, which was never assailed, and the instant Petition has been preferred for the aforementioned purpose – that too without any steps having otherwise been taken by the Petitioner for seeking appropriate relief under the Sindh Mental Health Act, 2013.

As such, we are of the view that the Petition is not maintainable as recourse to Article 199 would not lie under the given circumstances. That being so, while granting the application for urgency we hereby dismiss the Petition in *limine* along with the pending miscellaneous application.

JUDGE

CHIEF JUSTICE