

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.
C.P.No.255 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders on office objections
For hearing of main case.

23-10-2023

Syed Riffat Ali Shah, advocate for petitioner.
Mr. Wali Muhammad Jamari, Assistant A.G Sindh

Vide order dated 24.05.2023, the Court of Additional Sessions Judge-I, Tando Adam in Criminal Misc. Application No.115 of 2023 delivered the custody of a minor child to her natural father. The present petition assails the order and has been filed by a maternal aunt of the minor, ostensibly seeking custody in place of the father himself.

The record demonstrates that the petitioner had also filed an application before the Family Judge to be awarded custody / guardianship of the minor in Guardian & Wards Application No.9 of 2023, however, the same was dismissed. Per petitioner's counsel no challenge to the said order has been preferred till date. Under such circumstances no case is made out to entertain the present petition with respect to the impugned order.

Even otherwise entertaining such petitions have been disapproved by the Supreme Court in *Hamad Hasan*¹ and earlier similar views were also expounded in *Arif Fareed*². Therefore, in *mutatis mutandis* application of the ratio illumined, this petition is found to be misconceived, hence, dismissed with listed application.

JUDGE

Ahmed/Pa

¹ Per Ayesha A. Malik J in yet to be reported judgment dated 17.07.2023 delivered in *M. Hamad Hassan vs. Mst. Isma Bukhari & Others* (Civil Petition No.1418 of 2023).

² Per Amin ud Din Ahmed J in yet to be reported judgment dated 06.12.2022 delivered in *Arif Fareed vs. Bibi Sara & Others* (Civil Petition No.5601 of 2021).