

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C.P. No.S-563 of 2023

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Date	Order with signature of Judge
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- 1.For order on office objection
- 2.For order on MA No4410/2023
- 3.For hearing of main case

14.07.2023

Ms. Nancy Dean and Mr. Zulfikar Ahmed, Advocates for petitioner.  
Mr. Zahoor Shah, APG  
SIP Muhammad Tariq PS. KIA, Karachi.

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Through this petition, the petitioner has sought directions against the official respondents to produce his wife namely Rabia who according to the petitioner is under illegal detention of her parents.

Learned counsel for the petitioner argued that the Mst. Rabia is duly wedded wife of the petitioner but the private respondents i.e. parents are not releasing Mst. Rabia to meet with the petitioner, therefore, his wife is under illegal detention of private respondents.

Learned APG assisted by SIP Muhammad Tariq of P.S. Korangi Industrial Area, Karachi submitted that Mst. Rabia had obtained khula from the Court of law and now she is living with her parents/private respondents and does not want to join the petitioner. Learned APG has also drawn Court's attention at page 35 which is statement of Mst. Rabia recorded by learned Session Judge Karachi East in Habeas Corpus Petition No.279/2022 filed by the present petitioner wherein she has categorically stated as follows:-

“I am alleged abductee in this matter. I was married with the petitioner by freewill. After marriage, I

came to know that petitioner has already contracted first marriage with someone and I was his second wife and such facts concealed by the applicant at the time of marriage. Now I am residing with my father and mother. I also filed family suit for dissolution of marriage by way of Khulla in the Court of Illrd Family Judge Karachi East which is pending before the Court of Illrd Family Judge Karachi East. I want to reside with my father namely Ghulam Yaseen”.

It is gleaned from the appraisal of the foregoing that Mst. Rabia appeared before the learned Session Judge Karachi East and got recorded her statement according to which she is residing with her parents and does not want to live with the petitioner. The learned Sessions Judge having seen the statement of Mst. Rabia disposed of application filed by the petitioner and let Mst. Rabia at liberty to go with her parents being a *Sui Juris* girl.

The above factum and deliberation reveals that Mst. Rabia does not want to join the petitioner, therefore, liberty of a person is protected under the Constitution, hence the petition at hand is dismissed in limine.

JUDGE