

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP.No.S-314 of 2023

Date

Order with signature of Judge

1. For orders on CMA No. 2784 of 2023 (U/A).
2. For orders on CMA No. 2516 of 2023 (Ex./A).
3. For hearing of main case.

17th April 2023

Syed Amir Ali Shah Jeelani, advocate for petitioner.
SIP Ahmed Khan Mangnejo I.C/SHO PS Kamber and
Inspector Muhammad Ramzan, P.S. Gulshan-e-Iqbal.

Mr. Abid Ali Gopang, advocate files vakalatnama on behalf of respondent, which is taken on record. Whereas, para wise comments/reports are filed on behalf of respondent Nos. 2, 4 and 5, taken on record.

Admittedly minor is residing with father for a considerable period and this is not a case of forcible snatching of custody, hence with regard to improper custody and welfare of minor, both the parties would be at liberty to approach Guardian and Ward Court. Petitioner would be competent to file Guardianship petition where she is residing and Guardian & Wards Court shall decide the interim custody or shall provide visitation rights in view of circumstances after filing of application and hearing of the parties. The instant petition is disposed of alongwith listed application.

Pursuant to directions minor babies are produced by respondent No. 6. Admittedly minors are of tender age, aged about 2 ½ and 1 ½ years. Accordingly, in view of decision reported **Mst. NADIA PERVEEN v. Mst. ALMAS NOREEN** and others [PLD 2012 Supreme Court 758], interim custody of minor is handed over to the mother. It is pertinent to mention that this is an interim arrangement, parties would be at liberty to approach Guardian & Wards Court for permanent custody and welfare of the minor, if they desire so.

Instant petition stands disposed of

JUDGE

Sajid

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Learned counsel for respondent shall assure that upto the next hearing, his client shall not press execution application, however, on the next date if any party fails to proceed with the case, Executing Court would be at liberty to proceed with Execution application.