

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

C.P No.S-385 of 2024

Order with signature of Judge(s)

Fresh case

1. For orders on CMA No.3417/2024 (Urgent Application)
2. For orders on CMA No.3418/2024 (Exemption Application)
3. For hearing of main case

27.03.2024

Mr. Naveed Ali, Advocate for the petitioner

1. Urgency granted.
2. Exemption granted subject to all just exceptions.
3. The petition challenges Appellate as well as Guardian Courts' orders dated 14.03.2024 and 04.09.2023. Learned counsel for the petitioner mother states that the marriage between the parties was dissolved through Deed of Dissolution of Marriage in Saudi Arabia (available at page 135), where both the parents alongwith the children were residing. Thereafter, through an arrangement, the petitioner left Saudi Arabia and returned to Pakistan as the respondent was not providing maintenance and the petitioner could not find independent residence, job or suitable future in Saudi Arabia. Whereafter counsel states that the petitioner filed Guardian and Wards application where guardianship certificate was issued to her through order dated 24.02.2021, one of the conditions of the said Certificate was that the petitioner would not remove the children, one of which is already an adult, from the jurisdiction of this Court. Counsel states that the petitioner is a professional doctor and wants to pursue her carrier seeking better future prospect of the children and herself opted to apply for a job in the United Kingdom, where she obtain a position in a Hospital as per the offer letter attached on page 121, which offer per learned counsel, also include visa for herself. Counsel states that she

being single mother, who never re-married is raising the children to the best of their interests and has a thought in mind to take the children to UK alongwith her, as there is no arrangement to retain the children in Pakistan with someone else, which application was dismissed on 04.09.2023, where the concerned Court was of the view that the case of the petitioner is marred with “speculations” and “contingencies”, as the order failed to consider the offer, learned counsel added. Notwithstanding that the order was passed when offer was already in hand, whereafter she appealed the said order, which request was dismissed by the impugned judgment. Counsel states that irony of the fact is that the respondent father is still residing in Saudi Arabia and comes to Pakistan only once a year for meeting the children, even the maintenance is not being paid regularly. Counsel states that interest and welfare of the minor would be seriously prejudiced if the petitioner is not let to pursue her career in the United Kingdom and to accompany her children alongwith her. Counsel relies on an order dated 21.02.2024 passed in C.P No.S-202 of 2024 where a single parent/mother was permitted to pursue her career abroad and custody of the minors was given to her, with option to the father to meet the child in Dubai whenever he travelled to Dubai, similar relief is requested.

Let notice be issued to the respondents as well as A.G Sindh for **09.04.2024**. In the meanwhile, operation of the impugned judgment dated 14.03.2024 passed in Guardian and Wards Appeal No.41 of 2023 and order dated 04.09.2023 passed in Guardian and Wards Application No.502 of 2020 to remain suspended. The petitioner would be permitted to apply for visa for herself and her children and once the visa has been granted, to file a statement in this regard for further orders of this Court.

JUDGE