

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P No.S-606 of 2024
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Order with signature of Judge(s)

C.P No.S-606/2024

1. For orders on MA No.5233/2024 (Urgent Application)
2. For orders on office objection No.20 and reply of the counsel as at 'A'
3. For orders on MA No.5089/2024
4. For orders on MA No.2090/2024
5. For hearing of main case

C.P No.S-606/2024

1. For orders on MA No.5234/2024 (Urgent Application)
2. For orders on office objection No.20 and reply of the counsel as at 'A'
3. For orders on MA No.5092/2024
4. For orders on MA No.2093/2024
5. For hearing of main case

23.05.2024

Mr. Mohamed Vawda, Advocate for the petitioner

1. Urgency granted.

2. Deferred.

3-5. Learned counsel for the petitioner states that the visitation rights given to the respondent (father) were part of the guardian and wards application moved by the father, where custody was primarily given to the petitioner (mother) through order dated 26.05.2021, and custody of the minor was directed to be handed out in the presence of the Bailiff on alternate Saturdays between 10:00 a.m. to 12:00 noon as well as on the second day of Eid etc. With regards to the summer vacations 10 days, and 5 days in winter holidays were also granted. Counsel states that the respondent father preferred appeal against that order which was dismissed, however being aggrieved he preferred constitutional petition to this Court, which petition was disposed of by order dated 01.02.2022 directing him to file an application in the Guardian and Wards Court, which resulted him in filing an application accordingly, where the impugned order dated 08.11.2023 has been passed, where extended visitations have been granted in *toto* without considering the welfare of the minor. Counsel states that the impugned order suggests that on every Saturday the minor would be with the father from 10:00 a.m. to 04:00 p.m and on minor's birthday custody would be remain with the father and even on the father's birthday the custody would also remain with the father. Counsel states that these extended visitations enjoyed by the father are hampering welfare of the minor, as evidently the Bailiff report suggests that the minor was taken to the office to

spend time with the father. Not only so, the counsel states that the minor is exposed to PG-16 movies/videos and other material, which is causing serious disturbance to his mental health, certain sketch are attached at pages 183 to 193 to show minor's trail of imagination. Counsel states that the petitioner mother filed complaint before the concerned court as to how the Bailiff permitted the father to take the minor to his office and except for reprimanding the Bailiff, no further relief yielded. Counsel states that there is danger that by way of extended visitation rights the respondent will take custody of the minor in the coming summer vacations and since he has already shown suspicious behaviour towards raising the child, counsel requests that such extended visitation through the impugned order be restricted to the extent that the respondent be eligible for alternate weekends' visitation from 10:00 a.m. to 01:00 p.m.

Let notice be issued to the respondent for **27.08.2024**. In the meanwhile, the extended visitation granted by the impugned order dated 18.11.2023 in Guardian and Wards Application No.1366 of 2020 to remain suspended till the next date of hearing. The visitation would only be first and third Saturdays between 10:00 a.m. to 01:00 p.m. in the presence of the Bailiff of the concerned court however the respondent shall ensure that he will not take the minor to the office nor expose him to any PG material, which is adverse to the interest of the minor and Bailiff to file a report with the concerned court on every Saturday when the minor is handed out to the respondent.

JUDGE