

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.S-612 of 2021

Date	Order with signature of Judge
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- 1.For order on M.A. No.3757/2022
- 2.For hearing of main case

02.02.2024

Mr. Mansoor Ali, Advocate for petitioner.

This petition challenges an order dated 09.07.2021 rendered by learned Additional District Judge-IX West, Karachi in Family Appeal No. 32 of 2021, whereby, an application filed by the petitioner under Order I Rule 10 CPC was dismissed.

The anxiety of the petitioner is that she is maternal grandmother of baby Javeria, therefore, her permanent custody be handed out to her. To a query raised by the learned counsel for the petitioner as to whether the petitioner initiated proceedings under Section 25 of the Guardian & Wards Act for the custody of the minor or whether the parents of the minor died to which the learned counsel replied that father and mother of the minor are alive and the matter for permanent custody of the minor is pending between the father and mother of the minor. It is settled law that the father and mother are the natural guardians of the children and in their presence no one can be declared as guardian of the child. In the impugned order the learned Court observed as under:-

“In the instant matter, the real father and real mother of the minor are alive and there is nothing

on record to show that they are unfit persons to look after and maintain the minor.”

It is gleaned from appraisal of the foregoing that the learned Court in the impugned order too observed that the father and mother of the minor are alive and nothing has been introduced on record with regards disability of the parents to look after and maintain the child. The learned Court rightly dismissed the application under order I Rule 10 CPC filed by the petitioner, therefore, the petition hand at is dismissed.

JUDGE

Aadil Arab