Date: Order with signature(s) of the Judge(s)

Hg. of Case.

For Hearing of Main Case.

28ᵗʰ August, 2023.

Mr. Muhammad Sharif Buriro advocate for the appellant.
Mr. Pervaiz Ahmed Mastoi, AAG.

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Case of the appellant is that, appellant being brother of Ishrat Sultana aged about 67 years, who is retired employee of Education Department, appeared before the Additional District Judge-III, Karachi East and filed Mental Health Appeal No.16/2022 on the plea that he may be appointed as Manager of his sister as she is seriously ill having paralyzed attack and there is issue in thumb impression because of old age. At the end they were advised to get permission from the A.G. Sindh, accordingly, they sought that however, learned trial Judge dismissed that petition on the plea that her ailment is not fulfilled the criteria under the Mental Health Act, 2013. Admittedly Account Officer is transferring her pension regularly in her account and bank officer is reluctant to release that amount. Appellant intends to look after her sister Ishrat Sultana and presently she is residing with him.

Accordingly, instant appeal is allowed. Learned trial Court shall issue certificate to Naseem Ahmed [appellant] as Manager of Ishrat Sultana, he would be entitled to receive amount of monthly pension as well as arrears, if any, and take care of Ishrat Sultana. Further District Court shall nominate any officer who shall regularly visit Ishrat Sultana and ensure that amount as received by Naseem Ahmed is utilized in the betterment of his sister as well as appellant would be responsible to account for whatever amount is received and maintain the record of expenditure as manager of Ishrat Sultana. Needless to mention that Certificate will be renewed on every six months, subject to Mental Health Act, 2013. Besides, District Health Officer concerned shall ensure quarterly medical and physiological check-up of Ishrat Sultana at her home by any competent officer.

JUDGE

M.Zeeshan