

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

C.P No.S-216 of 2021.

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

Hearing of Case [Priority].

1. For Orders on Office Objections as at 'A'
2. For Hearing of CMA No.1433/2021.
3. For Hearing of Main Case.

11th February, 2022.

Mr. Shahzad Afzal advocate for the petitioners.
Mr. Abdul Ghaffar Khan advocate for respondent No.1.

Heard learned counsel for the respective parties. Being relevant para-8 of impugned order is reproduced as under:

"8. Considerably, an application for appointment of guardian dated 29.10.2018 filed by the applicant/maternal grandparents has been recalled and the Guardianship certificate is suspended by this court vide order dated 30.09.2020. Besides, appeal against the said order has also dismissed vide order dated 01.03.2021. it is an admitted fact that the custody of the minors was shifted to Rawalpindi by the applicant/maternal grandparents without prior consent/permission of the respondent/applicant. Whereas, the real father/respondent is living and is contesting the matter, in this regard section 19(b) is produced as under:

19. Guardian not to be appointed by the Court in certain cases:-

Nothing in this Chapter authorize the court to appoint or declare a guardian of the property of minor whose property is under the superintendence of a court of Wards or to appoint or declare a guardian of the person.

(a)...

(b). of a minor whose father is living and is not in the opinion of the court, unfit to be guardian of the person of the minor, or

(c)..."

Admittedly, issue is pending before the Guardian & Ward Court, hence, Guardian & Ward Court would be competent to regulate custody of

minors and decide G&W Application after recording the evidence of both sides in the welfare of the minors.

With regard to admission of the minors in Lawrence College this court passed order dated 18.03.2021 that shall be treated as final, however, if father come with better proposal, as he present today and contends that he is ready to shift the minor and groom them in United States particularly in Harvard School or equivalent that standard school. Guardian & Ward Court would be competent to decide the fate of admission and custody in view of evidence.

In view of above, instant petition is disposed of. Guardian & Ward Court shall insure that father is visiting the minor or decide the fate of interim custody in accordance with law.

JUDGE

M.Zeeshan