

ORDER SHEET  
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA  
Crl. Misc. Application No.S- 109 of 2014

(2)

DATE	ORDER WITH SIGNATURE OF JUDGE
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For Katcha Peshi.

19.05.2014

Mr. Syed Fida Hussain Shah, advocate for applicant.  
Miss Seema Imtiaz, APG.  
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Through instant application, applicant has invoked the jurisdiction of this Court and pray as under:-

- (a) That this Honourable Court may be pleased to direct the respondent No.1 SHO P.S Women District Larkana and respondent No.2 SHO PS Ratodero District Larkana, to conduct the raid at the house of respondent No.6 (Shahan Noonari) to recover the minor Detenues namely Baby Muskan aged about 4 years, Baby Soonhan aged about 6 years, Baby Pirah aged about 8 years and Master Shahmeer aged about 9 years and handover them to their mother i.e. Applicant without further delay.
- (b) Any other equitable relief under the circumstances may be granted to the applicant.

Pursuant to the order dated 14.5.2014 alleged detainees are present. Apparently, they are of tender age as claimed by applicant. Thus interim custody is handed over to applicant, who is mother. Respondent No.6 Shahan, husband of applicant, present in Court, contends that he has already divorced the applicant.

Since, it is settled proposition of law that this Court while exercising powers in writ jurisdiction can hand over the interim custody of minors in favour of mother, if minors are of tender age. Reliance can be made from the case of Nadia Parveen v. Almas Noreen reported in PLD 2012 SC Page 758. Besides, right of *hizanat* lies in favour of mother/applicant, therefore, applicant is entitled for interim custody of minors. However, both parties are at liberty to agitate their issue for custody and welfare of minors before Guardian and Wards Court.

Application stands disposed of.

At this juncture, applicant contends that many persons associated with respondent No.6 have converged out of the Court premises and there is apprehension that they will

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forcibly remove the custody of the minors and they might kill the applicant. In this eventuality SHO PS Sijawal, who is present in Court, is directed to provide complete protection to the petitioner and the minors at the place of residence. The SSP Kamber-Shahdadt is also hereby directed to ensure that no harm is caused to them. Copy of this order be faxed to the SSP Kamber-Shahdadt for compliance.