

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
C.P.No.S-35 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on office objections at flag "A".
- 2. For hearing of M.A.No.110/2025 (S/A).
- 3. For hearing of main case.

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15.09.2025

Mr. Sajid Hussain Mahesar, Advocate a/w Petitioner.

Mr. Abdul Rehman A. Bhutto, Advocate for Respondent No.1.

Mr. Munwar Ali Abbasi, Assistant Advocate General, Sindh.

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The petitioner filed an application under sections 7 & 10 of the Guardian and Wards Act, 1890 before the Court of Family/Civil Judge-II, Kashmore for custody of minor Muhammad Tariq, which was contested by respondent Shah Nawaz, who is grandfather of the minor.

Learned trial Court after appraisal of the evidence allowed the application, granted custody of minor to the petitioner with visitation rights of the grandfather at any common place. The respondent preferred an appeal before the learned Additional District Judge, Kashmore, which was allowed and the application filed by the petitioner was dismissed, granting the custody of minor in favour of Shah Nawaz.

Learned counsels for the petitioner and the respondent have consented that if the order passed by the learned trial Court is maintained and that of appellate Court is reversed, they will be satisfied.

Since the mother is natural guardian of minor and the trial Court has rightly granted custody of the minor in favour of the mother. The reasoning, through which the appellate Court has disturbed the findings of the learned trial Court were not in consonance with the parameters of the law; as such not tenable under the law.

Accordingly, this petition is allowed. Pursuant to the consent tendered by the counsel for the parties, the Order dated 28.01.2025, passed by the appellate Court is set aside and that of trial Court is maintained with no order as to costs.

Petition stands disposed of in the above terms.

Judge