

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
CP No.S-1281 of 2025

Date	Order with signature(s) of Judge(s)
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Hearing
For hearing of main case

01.12.2025.

Mirza Daniyal Ahmed, advocate for the petitioner
Mst. Kainat Rao, respondent in person

Through this petition, the petitioner has challenged the order dated 31.07.2025, passed by learned Family Judge Karachi South in G&W Application No. 539 of 2025, whereby, custody of the minor was granted to the mother/ respondent. Thereafter, the petitioner preferred Family Appeal No.187 of 2025, which was dismissed vide order dated 25.10.2025, on the ground that the same was time barred.

When confronted as to how this petition will be maintainable when the appeal preferred before the Appellate Forum was time barred as the same was preferred after about more than 2-1/2 months, learned counsel for the petitioner submits that since the Judgment and Decree passed by learned Family Judge was ex-parte and learned Family Judge had not decided the issue of welfare of the minor, therefore, the impugned orders passed by the Courts below are not sustainable under the law.

Since learned Family Judge had granted custody of the minor to the mother in ex-parte proceedings, question of welfare of the minor was also discussed in detail, however, findings on the facts on the issue of welfare of the minor were rendered by Guardian and Wards Court looking to the facts and circumstances that prevailed at the time of decision made in the application. In case the petitioner disputes welfare and custody of the minor to mother, he is always entitled to file a fresh Guardian & Wards Application before the Court concerned, which will decide afresh the issue of welfare of the minor in terms of Section 17 & 25 of the Guardian & Wards Act.

Accordingly, this petition being without merits is dismissed. The petitioner may, however, file Guardian & Wards Application before concerned Court, if he feels that custody of the minor with the mother is not in the welfare of the children.

This petition is dismissed in the above terms.

JUDGE