

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**CP No. S-488 of 2025**  
( *Ms. Hanzala Naeem v. Asad Pervez & Another* )

**DATE: ORDER WITH SIGNATURE(S) OF JUDGE(S)**

- 1 For Orders on Office Objection No 1 a/w Reply as at A
- 2 For hearing of CMA No 4190 2025
- 3 For hearing of main case

**27-06-2025**

Ms. M. Ishaq Khan & Ghulam Hyder Advocates for Petitioner a/w Petitioner and Minor Baby  
Ms. Nusrat Qamar Advocate for Respondent No 1 a/w Respondent No 1

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The Petitioner Mst. Hanzala Naeem has filed this Petition with the following prayers -

- a Declare the Impugned Order dated 29.05.2025 passed by the Family Court in G&W Application No.1177 of 2022 to be without lawful authority, arbitrary, capricious and of no legal effect,
- b Set aside the Impugned Order dated 29.05.2025,
- c Suspend the operation of the Impugned Order dated 29.05.2025 pending final decision of this petition,
- d Reinstate the prior custody arrangement in favour of the Petitioner and in the alternative, restrict Respondent No 1 No 3-4 daytime meetings (4-5 hours each) within Court premises under supervision,
- e Call for Record & Proceedings (R&P) of G&W Application No 1177 of 2022
- f Grant any other relief deemed just and proper in the circumstances,
- g Pass any appropriate directions for evaluation of the minor's best interests, including but not limited to psychological or welfare assessments, supervised visitation protocols or bonding assessments to ensure the paramount consideration of the child's welfare is preserved

2. Precisely, the facts involved in the present Petition are that the Petitioner is the natural and biological mother of the minor girl Ashmiza Fatima, born on 23.09.2020, aged about 4½ year. The Petitioner and Respondent No 1 are disaffected and their marriage was dissolved in the year 2021. The minor has never spent a single night apart from the Petitioner.

*H. Naeem*

who is her primary caregiver and emotional support system. On 05/05/2025 Respondent No 1 filed an application before the Family Court seeking custody of minor for one full month i.e. with effect from 01/06/2025 to 30/06/2025 during summer vacations and Eid-ul-Azha allegedly in compliance with the final Judgment dated 20/11/2024 passed in G&W No 1177 of 2022 ("Judgment")

3 Conversely the Respondent No 1 filed Objections in which he stated that in the Judgment trial Court observed that the minor has not spent enough summer/winter vacations during the year 2024 but now the minor is familiar with the Respondent No 1 and she celebrated many occasions with all family members of Respondent No 1, including grandmother and paternal aunt. It has been further stated that as per minor's wish and strong relation, trial Court observed and given time schedule for summer vacations in accordance with the Judgment as well as in view of the Order dated 29/05/2025 the Respondent No 1 is continuously paying the maintenance of the minor in Family Execution No 10 of 2020. It has been further stated that prior to divorce the Petitioner on many occasions left the minor with the Respondent No 1, who looked after carefully being a nurse at hospital so he is all aware regarding the necessities and welfare of the minors.

4 Heard the arguments and perused the record

5 From the perusal of record, it reflects that in the Judgment, Guardian Judge has allowed the meetings with the minor on different occasions i.e. Eids, Birthdays, Summer and Winter Vacations or any other occasions. After the Judgment in the month of December 2024, the Respondent No.1 applied for meeting in winter holidays and the Guardian Judge while allowing the applications has observed as below:

"Record reflects that this Court wide Judgment dated 20/11/2024 has dismissed the application of the applicant and whereby applicant has only been entitled for having meetings with minor on different occasions including winter vacations. On further perusal of record it reflects that the minor namely Ashmiza Fatima was born on 23/09/2020 and at present she is only aged about 04 years and 03 months and definitely at this stage it is un-survivable for her to stay with father/applicant for several nights in absence of her mother/respondent. The applicant through the instant application has prayed for awarding her custody of minor for 10 days from 21/12/2024 to 31/12/2024 and admittedly out of 10 days only 05 days have remained and minor being of tender age cannot live and stay throughout nights with her father alone therefore it would not be

*J. J. J.*

Sarim Ali Zubert VS The State	20-Apr-26	20-Apr-26	20-Apr-26
Tahir VS The State	20-Apr-26	20-Apr-26	20-Apr-26
M/s: Kalsoom VS Ex-SHO Adam Abro & Others	20-Apr-26	20-Apr-26	20-Apr-26
M/s: Farid VS The State	23-Apr-26	23-Apr-26	23-Apr-26
M/s: Farid VS The State	23-Apr-26	23-Apr-26	23-Apr-26
M/s: Farid VS The State	23-Apr-26	23-Apr-26	23-Apr-26
M/s: Farid VS The State	23-Apr-26	23-Apr-26	23-Apr-26
M/s: Farid VS The State	23-Apr-26	23-Apr-26	23-Apr-26

beneficial and in the welfare of minor to leave the minor alone in the custody of father/applicant for several nights

6 It may be observed that during the course of arguments, learned Counsel for the Petitioner has referred cross examination of Respondent No 1 in which it has contended that the Respondent No 1 is living along with his third wife on the upper portion of his house, whereas, her old mother is residing at ground floor. He further submits that at the time of cross examination on a query Respondent No 1 replied that when he used to go outside to attend his duty the minor shall remain in the custody of stepmother. It may be further observed that while passing the Impugned Order, the Guardian Judge failed to apply its judicial mind and no reason has been assigned despite of the fact that at present the age of minor is 4 years and 9 months, therefore, the Impugned Order dated 29.05.2025 is hereby set-aside with directions to pass the same afresh, keeping in view of the observations made in the Judgment and the Order dated 26.12.2024.

7 In view of the above, the instant Petition stands disposed of along with pending application.

  
JUDGE