

THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry

C.P. No. S – 534 of 2026

[Abbas Jawaaid versus Mst. Zehra Raza and another]

Petitioner : Abbas Jawaaid son of Jawaaid Allah Ditta
through Mr. Muhammad Raheel
Anwar, Advocate.

Date of hearing : 25-05-2026

Date of decision : 25-05-2026

ORDER

Adnan Iqbal Chaudhry J. - 1] Urgency granted. 2-4] Petitioner is dissatisfied with order dated 18-05-2026 passed by the Family Judge, Karachi (Central) upon G&W Application No.2204/2025, whereby temporary custody of his minor children for the summer vacation (June-July 2026) has been granted him from 10:00 am to 05:00 pm every weekend, and not for 30 days as prayed by him.

The Petitioner has invoked the writ jurisdiction without availing the remedy of appeal provided by section 14(1) of the Family Courts Act, 1964. The question whether an order of temporary custody passed under section 12 of the Guardians and Wards Act, 1890 is appealable under section 14(1) of the Family Courts Act had been answered by this Bench in the case of *Mst. Kiran Yazdani v. XXth Civil Judge & J.M.* (order dated 22-06-2022 in C.P. No.S-550/2022) as follows:

“The appeal provided under section 14(1) of the Family Courts Act, 1964 is against **“a decision given or a decree passed by a Family Court”**. The question is whether an order for temporary custody passed under section 12 of the Guardians and Wards Act, 1890 can be equated with “a decision given” within the meaning of section 14(1) of the Family Courts Act, or whether such an order is “an interim order” within the meaning of section 14(3) of the Family Courts Act.

In my view, the words “temporary custody” in section 12 of the Guardians and Wards Act do not *ipso facto* translate to “an interim order”. The terms of the order itself will determine whether that is “an interim order” within the meaning of section 14(3) of the Family Courts Act, or “a decision” within the meaning of section 14(1)

thereof. In my view, where the order granting temporary custody is final in itself and there remains nothing else to be ordered for the purposes of that temporary custody, such an order will be “a decision” within the meaning of section 14(1) of the Family Courts Act, and hence appealable thereunder. A similar view was taken in the cases of *Eram Raza versus Mutaqi Muhammad Ali* (2018 MLD 727), *Tassadaq Nawaz versus Masood Iqbal Usmani* (PLD 2018 Lahore 830), and *Yasmin Zafar versus Muhammad Anwar Khan* (PLD 1989 Lahore 38).”

Regards the order impugned by way of this petition, it is an order final in itself as nothing remains to be ordered for the period for which temporary custody was sought. Therefore, the impugned order is not an “interim order” hit by section 14(3) of the Family Courts Act, 1964 but “a decision” within the meaning of section 14(1) of said Act, thus appealable thereunder. Since remedy of an appeal is available and has not been availed, the petition is dismissed.

JUDGE

SHABAN*