

**ORDER SHEET**  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
C. P. No.S-165 of 2025

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
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11.05.2026.

1. For orders on office objection.
2. For hearing of Main Case.

Mr. Rafique Ahmed K. Abro holds brief on behalf of Mr. Habibullah G. Ghouri, advocate along with petitioner.

Mr. Mohsin Ali Khan, Asst. A.G., along with SIP Lal Bux.

Mr. Zeeshan Ali Memon, advocate along with respondent No.1.

**ORDER**

**MUHAMMAD HASAN (AKBER) J:** The petitioner [**mother**] has preferred this instant petition against the impugned Judgment dated 17.04.2025 passed in Guardianship Appeal No.15 of 2024 by the learned VII additional District Judge Larkana [**impugned Judgment**] which upheld the Order dated 26.09.2024 passed in Guardian and Wards Application No.73 of 2023 '*Mst. Sajida v. Habibur Rahman*' by the learned Family Judge-II Larkana [**impugned Order**] whereby both Courts concurrently upheld the custody of both minors/ children with the Respondent.

2. This petition arising out of a child-custody dispute was heard expeditiously and *in loco parentis* considering the valuable expressions by Justice Aminuddin Khan of the Honourable Supreme Court in '*Arif Fareed v. Bibi Sara and others*' (2023 SCMR 413).

3. The children are baby "**Seema**", age around 09 years, and master "**Mehmood**", age 07 years. Both children have been in the custody of the father/ Respondent for more than two years. The record was perused, and all factors concerning the welfare of both children were discussed in Court, which included children's education, physical, spiritual & psychological health, religious and moral upbringing, their financial issues and their rights to meet both parents and relatives etc. The rights and obligations of the father and the mother were also considered. In addition to going through the extensive Research and Studies conducted in various countries<sup>1</sup> were also considered, so also the provisions of the Constitution of Pakistan 1973<sup>2</sup>, the United Nation's Convention on the Rights of the Child 1989 [**CRC**], the guidelines for a child-centric approach, provided by Justice Mansoor Ali Shah of the Honourable Supreme Court in '*Dr. Muhammad Asif Vs. Dr. Sana Sattar and others*' (in CRP No.458/2024 in CPLA No.2514/2024), the Principles of European Law Regarding Parental Responsibilities' by the Commission on European Family Law (CEFL), and also the Orders passed by the Honourable Supreme Court of Pakistan in '*Mst. Madiha*

*Younus v. Imran Ahmed*' (2018 SCMR 1991) and '*Muhammad Riaz and others v. Mst. Surriya Jabeen and others*' (1985 SCMR 2066).

4. On 07.05.2026, during the course of hearing, it was vehemently agitated by the petitioner in person that for more than two years, the children are not being allowed to meet their mother and based thereon, the Respondent was directed to appear in Court along with both the minors. In compliance, Mr. Habibur Rehman, the paternal grandfather (*dada*) of the children, is present in Court today along with both the minors. To assess their understanding of the issue, both minors were personally interviewed, who appear to be intelligent enough to understand the issue of their custody in this petition, and since both have remained away from the mother for a very long time, both appear to be satisfied to continue with their present arrangement. After arguing the matter at length, and after considering the second marriage of the petitioner, so also the desires expressed by both the minors in Court, the petitioner-in-person, the learned counsel for Respondent and Mr. Habibur Rehman-in-person jointly submit that they would be satisfied if as a temporary arrangement for the time being, the matter is continued for some time with the following arrangement:

For the time being, meetings of the minors with mother/ petitioner shall be conducted in the following manner:

- i. **Regular Meetings:** On the 2nd and 4th Saturday of every month, from 10 am to 12 pm.
- ii. **Each Child's Birthday:** from 12 pm to 1 pm.
- iii. **Mother's Birthday:** from 12 pm to 1 pm.
- iv. **Eid-ul-Fitr:** The first working day after Eid, from 10 am till 12 pm.
- v. **Eid-ul-Azha:** The first working day after Eid, from 10 am till 12 pm.
- vi. **Venue:** All Regular Meetings [para (i) to (v)] shall be conducted within the premises and under the monitoring and supervision of the concerned Family Court.
- vii. **Summer vacations:** On every Friday during summer vacations, the mother shall pick up the minors at 10 am, under the supervision of the learned Family Court, and shall return the minors, the next day at 11 am in Court.
- viii. **Winter vacations:** On every Friday during winter vacations, the mother to pick up the minors at 10 am, under the supervision of the Family Court, and shall return the minors the next day at 11 am in Court.
- ix. **Alterations:** The above days, timings, venue or occasions etc. can be altered or improved, only with the express mutual consent of both the children and parents.
- x. **Education:** (a) Periodic reports regarding educational status/ results of the children be submitted every three months by the Respondent before the Guardian Court, which shall be monitored by the learned Court. (b) Both parents may attend important school meetings, other school functions, or any other activity of the children, as required, only to improve the confidence, better personality and education of the Children.
- xi. **Mutual Cooperation:** Considering the children's age, both parents are required to act sensibly, being conscious of their serious responsibility towards the children, and they shall not do any act which may prejudice the minds of the children towards the other parent [2018 SCMR 1991]. Hence, in the best interests of the Children, both parents shall fully cooperate with each other on all matters and documentation(s), etc., as, when and wherever required by the Children's school, or NADRA, or Union Council, or Immigration, or any forum/

department/ authority and in this regard, the learned Guardian Court may pass appropriate Orders.

- xii. **Implementation:** For the implementation of this Order, as well as for all matters and guidance concerning the rights and welfare of the Children, the parties shall approach the concerned learned Guardian Court.
- xiii. **Gifts:** All Gifts from the mother shall be delivered to the children personally, through the Guardian Court.
- xiv. **Reconciliation:** During their meetings, the learned Guardian Judge, from time to time, shall also initiate positive reconciliation efforts to reduce the relationship gap, presently created between the mother and the children.
- xv. **Court:** wherever used in this paragraph, shall mean the concerned learned Family Judge-II, Larkana at present, and for the future, shall also include the Family Court having jurisdiction under the Guardian and Wards Act, the Family Courts Act 1964 and the Rules thereunder. The learned Guardian Court may make further Orders in the interests of the minor, as deemed appropriate.
- xvi. **Action:** The learned Guardian Judge may take action against the non-cooperating party found involved in deliberate avoidance of any term of this Order.
- xvii. The present arrangement shall continue for the next six months, whereafter this petition be fixed for hearing.

5. The above arrangement between the parties is therefore made the Order of the Court, and the instant petition, along with pending applications, be fixed after six months for hearing.

Before parting with this Order, I must appreciate the legal assistance and positive reconciliatory efforts made today during the course of hearing, by **Mr. Rafique Ahmed K. Abro Advocate, Mr. Zeeshan Ali Memon Advocate** and by **Mr. Mohsin Ali Khan, Asst. A.G. Sindh.**

**JUDGE**

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1. Mediation Role of Parenting Behavior: By Dr. Stephanie Hess; Impact of Parental Conflict on Children's Mental Health: Rocky Maharjan; Parental Conflict: Outcomes and Interventions for Children and Families, by Reynolds, Jenny, and others; In the Name of the Child: A Developmental Approach to Understanding and Helping Children of Conflicted and Violent Divorce. Johnston, Janet, et al.; 7 Rules to Protect Your Children from Marital Conflict, by Athena Staik; Institute for Family Studies.

2. To protect the marriage, the family, the mother and the child **[Article 35]**; to provide free and compulsory education to children between five to sixteen years **[Article 25A]**; to protect children from engagement in hazardous employments **[Article 11(3)]**; or in vocations unsuited to their age or sex **[Article 37(e)]**. Even while dealing with the issue of Equality of citizens, the Constitution permits the State to make exceptions through special provisions for women and children. **[Article 25]**.