

C.P. NO.S- 335 OF 2025
(Muhammad Sajid vs. Mst. Sara Tayyab)

Order with Signature(s) of Judge(s)

1 FOR ORDERS ON OFFICE OBJECTIONS 1 TO 6 A/W REPLY AS AT 'A'
2. FOR HEARING OF MAIN CASE.

Mr. M. Akram Advocate for the Petitioner
Mr. M. Irfan Advocate for Respondent

1 & 2. After arguing the matter at some length, learned counsel for the petitioner submits that he does not press the challenge to the impugned order whereby the petitioner's application under Section 12(2), C.P.C., filed in Guardian & Wards Application No.17 of 2022, instituted by the respondent, was dismissed. During the course of arguments, however, learned counsel points out that in the subsequently instituted Guardian & Wards Application No.57 of 2025, filed by the petitioner, visitation rights in respect of the minor have been granted to him by the learned Guardian Court. He alleges that the said visitation order is not being complied with by the respondent.

Learned counsel for the respondent controverts the allegation of non-compliance and submits that no violation of the order granting visitation rights has been committed by the respondent. He, however, submits that if the petitioner has any grievance regarding implementation of the said order, he may approach the learned Guardian Court for appropriate relief in accordance with law.

In view of the statement made by learned counsel for the petitioner, the challenge to the impugned order dismissing his application under Section 12(2), C.P.C. in Guardian & Wards Application No.17 of 2022 is dismissed as not pressed.

As regards the submission concerning alleged non-compliance with the visitation order passed in Guardian & Wards Application No.57 of 2025, the same does not form part of the subject matter of the present petition, nor has any relief in that regard been sought herein. The issue having been raised only during the course of arguments, this Court refrains from examining or expressing any opinion thereon. However, if the petitioner has any grievance regarding implementation or enforcement of the visitation order, he shall be at liberty to approach the learned Guardian Court by way of appropriate proceedings in accordance with law.

It is clarified that this Court has neither examined nor recorded any finding as to the alleged violation or non-compliance with the visitation order. If any appropriate application is filed in that regard, the learned Guardian Court shall consider and decide the same independently, after affording an opportunity of hearing to the concerned parties, strictly in accordance with law and without being influenced by anything stated in the present order.

The instant petition is accordingly dismissed as not pressed, along with the pending application(s), if any, with the aforesaid clarification.

MUSHARRAF ALI

Judge