HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.S-546 of 2026

[Ali Akbar Versus IVth Additional District Judge Dadu & another]

Petitioner:	By Mr. Nisar Ahmed Chandio, advocate.
Respondent No.1:	By Mr. Allah Bachayo Soomro, Additional Advocate General.
Respondent No.2:	By Mr. Muhammad Altaf, advocate.
Date of hearing	05.11.2026
Date of Decision	05.11.2026

O R D E R

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ADNAN-UL-KARIM MEMON, J:- The petitioner has filed this Constitutional Petition challenging the judgment and order dated 05.09.2026 passed by the learned IVth Additional District Judge, Dadu, in G&W Appeal No.08 of 2026, whereby the order dated 03.04.2026 passed by the learned Family/Guardian Judge, Dadu, was partly set aside to the extent of changing the venue of visitation from Dadu to District Malir, Karachi.

2. Learned counsel for the petitioner submits that the marriage between the petitioner and respondent No.2 was solemnized on 09.05.2019, out of which one female child, namely Sidrat-ul-Muntaha, was born on 20.05.2021. After dissolution of marriage through Khula, respondent No.2 instituted proceedings for maintenance and recovery of dowry articles before the Family Court, Dadu. The petitioner subsequently filed Guardian and Wards Application No.79 of 2022 seeking custody/visitation rights in respect of the minor. It is contended that respondent No.2, in her initial objections and biometric affidavit, disclosed her residence at Village Kandi Fazul Muhammad, District Dadu, and her application under Section 9 of the Guardians and Wards Act, 1890, challenging territorial jurisdiction, was dismissed by the Trial Court vide order dated 25.03.2023, which was maintained by the appellate court on 24.06.2023. Learned counsel further submits that the earlier order granting visitation rights within the premises of the Family Court, Dadu, was challenged before this Court in C.P. No.S-316 of 2024, whereafter the matter was remanded for reconsideration of the venue and modalities of visitation. Upon recording evidence, the learned Trial Court, vide order dated 03.04.2026, maintained the visitation venue at the Family Court, Dadu, holding that respondent No.2 had failed to establish her permanent residence in Karachi and that the documents subsequently produced in support

of such claim were belated and inconsistent with her earlier stance. The Trial Court also observed that the Family Court premises provided a neutral, safe and supervised environment and that no material existed to show that meeting the father would be detrimental to the welfare of the minor. It is argued that the learned Appellate Court, while maintaining the jurisdiction of the Family Court, Dadu, and the continuation of guardianship proceedings there, erroneously shifted the physical venue of visitation to District Malir, Karachi, without properly appreciating the evidence and previous proceedings. Learned counsel contends that respondent No.2 had herself invoked the jurisdiction of the Family Court, Dadu, in earlier family proceedings, and that police reports dated 04.05.2024 also established that she and the minor were produced before the Court from Village Kandi Fazul Muhammad, District Dadu. It is further submitted that the petitioner has regularly deposited the maintenance amount without default and that shifting the visitation venue to Karachi would cause unnecessary hardship and frustrate his parental access to the minor.

3. The learned counsel for the Respondent No.2, submitted that he by preferring G&W Appeal No.08 of 2026, challenged the order dated 03.04.2026, asserting that she and the minor were residing in Karachi and that visitation at Dadu caused inconvenience. In support of her claim, she produced documents relating to her employment, CNIC, Nikahnama and the minor's school record. He submits that the learned Appellate Court, while maintaining the proceedings before the Family Court, Dadu, partly allowed the appeal and directed that physical visitation take place at a venue in District Malir, Karachi.

4. I have heard the learned counsel for the parties and perused the record with their assistance.

5. The controversy involved in the instant petition primarily relates to the determination of an appropriate venue for visitation between the petitioner/father and the minor daughter. It is an admitted position that the guardianship proceedings are pending before the Family Court, Dadu, whereas respondent No.2 claims to be residing in Karachi along with the minor. The question of territorial jurisdiction of the Family Court and the question of the most convenient and appropriate venue for visitation are two distinct matters and cannot be treated as interchangeable.

6. It is settled law that in matters relating to custody and visitation, the paramount consideration is the welfare and best interest of the minor, rather than the convenience, personal preferences or competing claims of either parent. Although the petitioner, being the natural father, is entitled to reasonable and meaningful access to his minor daughter, such right cannot be exercised in isolation or at the expense of the minor's welfare, comfort, education, routine and security. Equally, the mother, being the custodial parent, cannot be

compelled to undertake unnecessary travel or face undue hardship merely to facilitate visitation, particularly when the minor is residing with her in Karachi.

7. The contention of learned counsel for the petitioner that respondent No.2 had previously instituted her family proceedings before the Family Court, Dadu, and had disclosed her address as Village Kandi Fazul Muhammad, District Dadu, does not, by itself, conclusively establish that she continues to reside there permanently or that visitation must necessarily take place within the premises of the same Court. Likewise, the dismissal of her earlier application under Section 9 of the Guardians and Wards Act, 1890, and the subsequent proceedings before the Family Court, Dadu, cannot operate as an absolute bar against consideration of subsequent circumstances relevant to the convenience and welfare of the minor. The question of territorial jurisdiction for institution of guardianship proceedings is legally distinct from the determination of a suitable venue for physical visitation, as discussed supra.

8. The documents produced by respondent No.2 during the proceedings, including her employment-related documents, CNIC and the minor's school record, were matters for appreciation by the learned Trial Court and the Appellate Court. Even if such documents were produced at a subsequent stage, their evidentiary value and relevance had to be considered in the context of the circumstances prevailing at the time of determination of the visitation arrangement. Mere reliance upon an earlier address or previous litigation at Dadu would not be sufficient to disregard the subsequent circumstances concerning the residence and daily routine of the minor.

9. It is also significant that the learned Appellate Court has not transferred the guardianship proceedings from Dadu to Karachi, nor has it disturbed the jurisdiction of the learned Family Court, Dadu, to continue adjudicating the pending proceedings. It has merely modified the physical venue of visitation to District Malir, Karachi, apparently keeping in view the residence of the minor and the convenience of the custodial mother. Therefore, the contention that such arrangement creates an administrative or judicial impasse is misconceived. The learned Family Court, Dadu, continues to retain supervisory and judicial control over the visitation arrangement and may issue appropriate directions or modify its modalities whenever circumstances so require.

10. The petitioner's assertion that he has regularly deposited the maintenance amount is appreciable; however, compliance with maintenance obligations is an independent legal responsibility and cannot, by itself, confer upon him an entitlement to insist that visitation must take place at a particular location. Similarly, the allegations of forum-shopping, manipulation of documents and mala fide conduct attributed to respondent No.2 are not supported by such conclusive material as would justify interference by this Court in its constitutional jurisdiction.

11. It must also be borne in mind that visitation arrangements are not intended to provide an opportunity to either parent to settle personal scores or gain an advantage in matrimonial litigation. “Their sole object is to preserve and strengthen the emotional bond between the minor and the non-custodial parent in an environment conducive to the minor's physical, emotional and psychological well-being.” The direction to hold visitation at District Malir, Karachi, does not extinguish or curtail the petitioner's parental rights; rather, it regulates the exercise of such rights by determining a venue which the learned Appellate Court considered more convenient in the prevailing circumstances. The petitioner has not demonstrated that the impugned arrangement is inherently prejudicial to the minor or that it renders his visitation rights impracticable.

12. It is equally settled that this Court, while exercising constitutional jurisdiction, does not ordinarily substitute its own assessment for that of the competent appellate forum unless the impugned order suffers from patent illegality, jurisdictional defect, perversity, misreading or non-reading of material evidence, or results in manifest injustice. No such exceptional circumstance has been established in the instant case. The learned Appellate Court has exercised its appellate jurisdiction and modified only the venue of visitation without disturbing the substantive guardianship proceedings pending before the Family Court, Dadu. The impugned judgment, therefore, does not warrant interference under Article 199 of the Constitution, as the welfare of minor has been taken into consideration.

13. For the foregoing reasons, we find no illegality, jurisdictional infirmity or perversity in the impugned judgment and order dated 05.09.2026 passed by the learned IVth Additional District Judge, Dadu, warranting interference by this Court. Consequently, the instant Constitutional Petition is dismissed, with no order as to costs.

14. Needless to observe that the learned Family Court, Dadu, shall remain at liberty to regulate, review or modify the visitation schedule and its modalities, including the venue, in accordance with law, should any change in circumstances so require, keeping in view the paramount consideration of the welfare and best interest of the minor. Nothing observed herein shall prejudice the rights of either party in the pending guardianship proceedings.

15. The petition stands dismissed in the above terms.

J U D G E

Irfan Ali