THE HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

Present:
Justice Jawad Akbar Sarwana

C. P. No.S – 808 of 2017

Petitioner	:	through Mr. Munawar Ali Shah Lakiyari Advocate
Respondent -1	:	Ms. Sobia Advocate, holding brief for Syed Babar Ali Kazmi Advocate
Respondents-2-3	:	Mr. Wali Muhammad Jamari, AAG Sindh

Dates of Hearing	:	31.10.2025, 12.11.2025 and 13.11.2025
Date of Short Order		13.11.2025
Date of Reasons	:	16.11.2026

O R D E R

JAWAD AKBAR SARWANA, J.: Arshad Ali-applicant/petitioner has filed the instant application (MA No.996 of 2025) under Order XXXIX Rule 2(3) CPC r/w Sections 3 and 4 of the Contempt of Court Act and Article 204 of the Constitution of Islamic Republic of Pakistan, 1973, wherein he has alleged that there has been a violation of order dated 07.10.2019 arising out of breach of the terms of visitation/custody of the minor baby Wania Fatima born out of the wedlock between the applicant/father and Mst. Bushra-respondent/mother. The applicant/father claims that the respondent/mother took the minor baby Wania Fatima outside the jurisdiction of the District Court without first obtaining permission, which is/was a violation of the High Court's Order dated 07.10.2019, and that, further, based on certain certificates obtained by him from two schools, minor baby Wania Fatima has been/is being deprived of proper schooling during her ongoing custody with the respondent/mother. Therefore, a case for contempt has been made out against the respondent/mother.

2. Heard Counsel and perused the record.

3. It appears that the order dated 07.10.2019 passed by this Court was maintained by the Supreme Court, whereafter the parties were allowed to settle matters between them, inter se, before the concerned Family Court, which would regulate the issues concerning the schedule of visitation and welfare of the minor, etc.

4. Given the above predicament and the fact that the custody and visitation of the minor is to be regulated by the Family Court, as observed in the High Court's order dated 07.10.2019, which was maintained by the Supreme Court, the petitioner/applicant's first port of call ought to be the concerned Family Court which is regulating the matter and not the High Court. Even so, the counsel for the respondent/mother has submitted that she continues to take care of the minor's education and that the visit beyond the jurisdiction of the District Court was temporary. Therefore, no case is made out for contempt.

5. As the Family Court regulates the matter concerning custody and visitation, the applicant/father is at liberty to approach the concerned Family Court. Indeed, this is not the first time that parties have filed contempt applications in the High Court, and parties remain, well aware, too, that the High Court, for reasons articulated in the order dated 28.09.2020, has observed that the complainant should move such applications to the concerned Family Court as filing the same in writ jurisdiction causes unnecessary bottleneck and undue harassment to the opposing party.

5. In view of the facts and circumstances of the case discussed above, no case for initiating contempt proceedings was/is made out; and the contempt application (MA No.996 of 2025), being meritless, was accordingly dismissed by my short order passé on 13.11.2025 and the above are the reasons for its dismissal.

JUDGE

Asif