

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

C. P. No. S-575 of 2025

Date	Order with Signature of Judge
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Hearing / Priority

1. For order on office objection No.1 and reply as at A.
2. For hearing of CMA No.4751/2025.
3. For hearing of main case.

02.10.2025

Mr. Rajesh K. Ambwani, Advocate a/w the petitioner.
Mr. Muhammad Farooq, Advocate for respondent No.1.
Ms. Deeba Ali Jaffari, APG Sindh.

The petitioner, Urooba Hannan, mother of two children, Muhammad Almir Ahmed (d.o.b. 26.11.2019) and Muhammad Rahim Ahmed (d.o.b. 02.10.2021)(hereinafter referred to as “the two minors”), has invoked the writ jurisdiction of the Regular Bench of the High Court of Sindh under Article 199(1)(a)(ii) of the Constitution of Pakistan, 1973 (“the 1973 Constitution”), **challenging the Order dated 15.07.2025** (‘impugned Order) passed by the XIXth Family Judge, Karachi, South (“Guardian Judge”),¹ in the **respondent no.1-Muhammad Humair Ahmed**, the father of the two minors, G&W Case No.1006 of 2025.

2. The Counsel for the petitioner-mother contends that the learned Guardian Judge has passed the impugned Order in violation of the **(High) Court’s Order dated 09.07.2025 in C.P.No.S-494 of 2025**.² Counsel argues that the learned Guardian Judge could not have passed the impugned order simpliciter, allowing the respondent No.1-Muhammad Humair Ahmed, the father of the two minors, that

“. . .the visitation rights allowed by this court are maintained with direction. . .the minors shall be accompanied with a chaperon and such cost shall be paid [by] the petitioner. . .

¹ Available on page 29 of the petition

² Statement dated 26.08.2025 filed by Petitioner (pages 13-15 of the statement)

. . . Since the vacation was allowed to the [respondent no.1-father] from 15th June to 15th July 2025 has already elapsed therefore the respondent no.1-father shall be entitled for vacation for 16th of July 10:00 a.m to 30th of July 2023 08:00 p.m.”

Counsel submits that the above order, viz., the proposed vacations, violates the High Court's order dated 09.07.2025, passed in C.P. No.S-494/2025, as it does not mention the presence of the chaperone during the vacation time of the two minors with the respondent no.1-father.

3. The learned Counsel for the respondent no.1-father has argued that the impugned Order of the Guardian Judge is in line with the order passed by the High Court in C.P. No.S-494/2025. He argues that, while the High Court mandated a chaperone for the minors spending the night with their father, it did not refer to the presence of a chaperone during the one (1) month vacation, which is long overdue. The respondent no.1-father, is ready and willing to comply with the High Court's order. Therefore, there is no irregularity or inconsistency between the High Court's order dated 09.07.2025 and the Guardian Judge's impugned Order dated 15.07.2025. Therefore, the petition is liable to be dismissed with costs.

4. Heard Counsel. The background of the matter is that the Guardian Judge in the respondent no.1's **G&W Case No.1006 of 2025** passed an **order dated 26.05.2025**, the relevant portion of which order, for adjudication of this matter, reads as follows:

“Applicant [respondent no.1-father] has claimed for visitation rights regularly as well as on the occasion of Eid, birth day and vacations. . .

. . . Furthermore, looking into the convenience of parties as well as court, the applicant shall be entitled for meeting with minors on alternate Saturday on Doleman Mall Clifton from 05:00 P.M to 07:00 P.M in this regard bailiff is appointed to avoid dispute who shall be paid Rs.3000/- by applicant/father. Further applicant is also entitled for meeting as per given schedule.

. . .

. . .Applicant is also entitled for custody of minors first half of summer vacation on 15th June to 15th July as well as 1st half of winter vacation from 21st December to 25th December subject to submission of CNIC and passport if any and P.R bond Rs.20,00,000/-. The custody of the minors will be handed over and taken over in presence of bailiff subject to charges Rs.4000/- by applicant/father.

. . . .³

(underlining added)

5. Aggrieved by the Guardian Judge's order dated 26.05.2025 in G&W Case No.1006 of 2025, the petitioner-mother challenged the same before this **(High) Court in C.P. No.S-494 of 2025**, which was ultimately heard and decided vide order **dated 09.07.2025**. In the final order passed by the (High) Court, the learned Single Judge passed the following further orders for the Guardian Judge:

"Accordingly, it is directed that the learned Trial Court shall pass an order as to the maintenance of the minors after hearing the parties and shall also ensure that the same is complied with while the order dated 26.05.2025 is complied with. In order to ensure that the children are protected and no exposure comes to them without disturbing the impugned order as to overnight stay it is further ordered that a chaperon shall be made available at the cost of the Petitioner to accompany the children at all times with the children. The chaperon shall not be restricted in the access to the children during the overnight stay in the matter also. . . ."

(underlining added)

6. It is abundantly clear from the plain reading of the order passed by the High Court dated 09.07.2025 in C.P. No.494/2025, that the same emerged from the Guardian Judge's order dated 26.05.2025 concerning, "visitation rights regularly as well as on the occasion of Eid, birthday and vacations".⁴ The learned Single Judge of this High Court, after hearing Counsel and perusal of the record, considering

³ Available on page 199 of the petition.

⁴ Ibid. / supra

the entitlement of the respondent no.1-father, added three further orders to the Guardian Judge's order dated 26.05.2025, namely:

- (a) A chaperone shall be made available to accompany the children at all times with the children;
- (b) Costs and expenses of (a) above will be borne by the petitioner-mother
- (c) The chaperone shall not be restricted in the access to the children during the overnight stay in the matter also.

7. Now, the learned Single Judge, to ensure that the children are protected and no exposure comes to them without disturbing the Guardian Judge's order dated 26.05.2025 as to the overnight stay of the two minors, has further ordered **(a), (b) and (c)** above. This means that with **(a)** in place, the chaperone is present/available at all times with the children, irrespective of day or night. Further, with **(c)**, the chaperone has to have unrestricted access to the children during the overnight stay with their respondent no.1-father. Finally, as both **(a)** and **(c)** involve time, money, and work on the part of the chaperone, as per **(b)**, the petitioner-mother was made responsible for the costs of the chaperone.

8. Although my learned brother Judge did not expressly mention summer and winter vacations in his order, the same is implied from his (the High Court's) order dated 09.07.2025. The further orders as to **(a), (b), and (c)** apply to all the cases of visitation set out in the Guardian Judge's order dated 26.05.2025. Indeed, the learned Single Judge recorded the petitioner-mother's plea in his order that allegedly the respondent no.1-father did not have "the required mental stability to ensure that the children are not put to any exposure". This, apparently, weighed in my brother's mind,⁵ and to ensure that the children are protected and no exposure comes to them, he passed further orders **(a)** that the chaperone must be

⁵ This impression is also found in the ad-interim order dated 05.06.2025 (first date of hearing) passed by another brother judge in C.P. No.S-494/2025 (available on page 5-7 of the Petitioner's Statement dated 26.08.2025) and yet another brother judge's order dated 16.07.2025 (also the first date of hearing) passed in this petition (CP No.S-575/2025).

available at all times. Additionally, he also mandated (c) that the respondent no.1-father, provide the chaperone unrestricted access to the children throughout the night. As the minors' 1-month vacation stay with the respondent no.1-father, will involve regular overnight stays, there can be no doubt that a chaperone must be put in place during this vacation period, too. Thus, based on the further orders passed in C.P.No.S-494/2025 modifying the Guardian Judge's order dated 26.05.2025, making a chaperone available at all times applies to all night stays, including vacations with respondent no. 1-father. Therefore, the impugned order did not need to articulate or mention this specifically in relation to visitation during vacations. There was no need for the Guardian Judge to repeat mentioning it in the impugned Order dated 15.07.2025, and the same cannot be made a ground for challenge now.

9. Given the above, it is surprising that the petitioner-mother is aggrieved with the learned Guardian Judge's impugned Order dated 15.07.2025. Indeed, it is apparent from my learned brother's order dated 09.07.2025, passed in C.P. No. S-494/2025, too, that he has also left the matter regarding the selection, appointment, and costs of the chaperone in the discretion of the petitioner-mother. The petitioner-mother must arrange for the chaperone. It is she who must comply with the court's orders and arrange for a chaperone. This is not a Court-appointed chaperon. There can be no challenge on her part when the onus is on her to implement the impugned Order. In fact, in the circumstances, the petitioner-mother must now comply with the impugned order and refrain from opposing it, thereby avoiding further delay in its implementation.

10. Both parties have accepted the High Court's order dated 09.07.2025, passed in C.P. No.S-494/2025. Neither party preferred any appeal to the further orders of the High Court passed in C.P. No.S-494/2025 modifying the Guardian Judge's order dated 26.05.2025. There is now no escape from the matters arising from the order of appointing a chaperone, and the parties will have to live

with its consequences. The petitioner-mother is responsible for the costs of the chaperone and his/her appointment; whereas, the respondent no.1-father, has to accept the chaperone who will be available all the time with the children, including being present at his residence throughout the night with unrestricted access to the children's room, including, quite possibly the entire home of the respondent no.1-father, depending on the activity/movement/location of the children within the home. If parties were opposed to their predicament and/or the outcome, they should have preferred an appeal to the High Court's Order dated 09.07.2025, which they did not. Therefore, both have accepted the further orders of the High Court's Order dated 09.07.2025, and these further orders modifying the Guardian Judge's order dated 26.05.2025, have attained finality.

11. No argument was put forth by Counsel that there has been any change in circumstances to review or recall the High Court's order dated 09.07.2025 in C.P. No.S-494/2025 or that a new situation had arisen between the passing of the orders dated 09.07.2025 and 16.07.2025, when this petition, namely C.P. No.S-575/2025, was filed. Therefore, the same matter as in the previous petition, viz., the chaperone to be made available to accompany the children at all times, and the chaperone having access to the children during their overnight stay with the father, including vacations, once decided by this (High) Court, cannot be reagitated in this petition.

12. Given the above, I do not find any irregularity or defect in the Guardian Judge's impugned Order dated 15.07.2025. There is nothing in the impugned Order that is "without lawful authority" and/or "is of no legal effect". Accordingly, there is no reason to interfere with the impugned Order.

13. It is clarified that parents of the two minors must work together to ensure, in letter and spirit, implementation of the Guardian Judge's order dated 26.05.2025 in G&W Case No.1009/2025, as modified by the High Court's order dated 09.07.2025 passed in C.P.No.S-

494/2025 and the order passed in C.P. No.S-575/2025 today. If the matter concerning visitation is not implemented within four (4) weeks from today, upon the expiration of such period, then, in that case, the aggrieved party may file with the Guardian Judge an application for the appointment of a Court-appointed chaperone to implement the order dated 26.05.2025 (as modified up-to-date).

14. In such event, it is expected that the Guardian Judge will decide the application for Court-appointed chaperone, expeditiously, giving his reasons for such appointment and keeping in view the facts and circumstances peculiar to the case and staying within the framework of the Guardian and Wards Act, 1890, the Family Courts Act, 1964, the judgments of the Superior Courts of Pakistan, and the orders passed in this matter by the Guardian Judge and the High Court (up-to-date).

15. The Court-appointed chaperone must not undertake any other duties that could separate her/him from the two minors. The Guardian Court must ensure that there is at all times a suitable person responsible for the child's welfare available with the children, and that it is always clear who that person is. The Guardian Judge will also ensure that the Court-appointed chaperone's job description is clearly articulated in the appointment order and explained to the Court-appointed chaperone, as well as being affordable to the petitioner-mother. For removal of doubt, it may be noted that the contours of the Court-appointed chaperone touched upon by me very briefly herein are tentative and non-binding.

16. The petition is allowed in the above terms.

J U D G E

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