

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI  
CP. No.S-1398 of 2024

DATE

ORDER WITH SIGNATURE OF JUDGES

FOR ORDER AS TO MAINTAINABILITY OF PETITION

21.4.2025

Peer Rehman Mehsud, advocate for petitioner  
M/s. Shahan Karimi/ Siraj Alam, advocate for respondent No.1.  
Ms. Deeba Ali Jafferri, AAG.

Brief facts of the case are as under

Counsel for petitioner has impugned the order dated 04.10.2024. It is evident from the perusal of the file that the petitioner namely Samreen Fawad had filed application under Section 491 CrPC for recovery of the minor children namely Fatima Alam, Huria Alam, Rabiba Alam and Ismail Alam. I have also noted the order dated 20.3.2025 in which two children namely Ismail Alam and Habiba Alam are residing with the Petitioner and the other children namely Fatima Alam and Huria Alam are residing with Respondent No.1, Counsel for petitioner at this stage submits that the custody of all four minors should be handed over to the petitioner, as the welfare of the minors lies with her

I have heard both the counsels. It is evident that the scope of Section 491 CrPC is restricted and determination of welfare cannot be done by this Court, especially in light of the observations which made in order dated 20.3.2025. Efforts have been made by myself and also the learned Judge who heard the matter on 20.3.2025. The parties were warned of the consequences of protracted litigation. However, despite the efforts of both the counsels and this Court, there seems to be little or no possibility of an amicable arrangement between the same. Instant petition has served its purpose and is disposed of. Parties are at liberty to institute proceedings for the custody of the minors. The same shall be decided expeditiously by the trial Court

Nadeem Qureshi "PA"

JUDGE