

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No.S-241 of 2021

Date: Order with signature(s) of the Judge(s)

Disposed of matter

For hearing of CMA No.2108/2025

24.06.2025

Mr. Ghulam Mustafa Kolachi, Advocate for the
Petitioner along with Petitioner.

Instant petition has been filed against the impugned order dated 22.02.2021 passed by the IInd Civil/Family Judge, Karachi Central. Brief facts pertaining to instant petition are that earlier the petitioner filed G & W Application No.1159 of 2020, which was granted vide order dated 21.11.2020 and relevant Guardianship Certificate was granted to the petitioner, however, with the caveat that the minor cannot be removed from the jurisdiction of this Court. Thereafter, the Petitioner filed an application before the learned trial court seeking permission to move abroad with the minor. The said application was dismissed vide Impugned Order mentioned above.

Learned counsel for the petitioner has invited my attention to the impugned order dated 22.02.2021, in which the application to move with the minor abroad was dismissed on the ground that the mother of the minor i.e. the petitioner is not traveling with the minor, and is not in the best interest of the minor to go alone. Learned counsel for the Petitioner in this respect has submitted that the learned trial Court has misinterpreted the contention and it is the wish and the desire of the petitioner to move abroad with the minor for better schooling, welfare etc.

I have examined the record with the assistance of the learned counsel for the Petitioner. I have also noted that notices have been served repeatedly upon the respondent, who has failed to affect appearance before this Court. I have more particularly noted the “Bayan-e-Halfi” and the “Talaqnama” in the instant petition. It is evident that the respondent No.1 has abandoned the minor and has no interest in the welfare, wellbeing and upbringing of the said minor. It is also evident that since the birth of the minor in the year 2018, the respondent No.1 has made no efforts to develop a relationship and even to monetarily maintain the said minor.

In the light of said circumstances, it is evident that the free movement of the petitioner and the minor cannot be curtailed, specially, when she has an opportunity to move abroad for better education and welfare of the minor. Petitioner is permitted to take the minor abroad upon furnishing P.R. Bond in the sum of Rs.500,000/- (Rupees Five Lacs Only) before the Nazir of this Court. The Petitioner is further directed to produce the minor before the trial Court as and when required.

Accordingly, listed application stands disposed of in the above terms.

JUDGE