

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP No.S-1109 of 2018

Date	Order with Signature of Judge
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For hearing of Main case

21.02.2020

Mr. Muhammad Ahmed, advocate for petitioner.
 Mr. Javed Musarrat, advocate for Respondent No.1.

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The petitioner through this constitution petition has challenged concurrent findings in G&W Application **No.2663/2016** dated **04.12.2017** passed by the XIth Civil/Family Judge, East Karachi, which was modified by judgment dated **06.4.2018** in G&W Appeal **No.03/2018** by the learned IVth Addl. District Judge East, Karachi. The parties contested the G&W case before the Court and led their evidence. The trial Court keeping in view the circumstances of the parties disposed of the Guardian and Ward Application in the following orders:-

“With above observations, the application U/s.25 of Guardian & Wards Act, 1890 filed by applicant is hereby dismissed with no order as to cost. However, applicant being maternal grandmother of minor has been allowed visitation rights as detailed above, Moreover, respondent is ordered not to remove the custody of minor out of the jurisdiction of the Court, without prior permission of this Court. Pending applications, if any, shall deemed to be dispose of”.

2. In appeal learned Appellate Court again examined the facts of the case and the evidence and modified the judgment in the following orders:-

“On the basis of my findings on above point I am of the humble view that impugned order dated 04.12.2017 passed by the learned XIth: Civil / Family Judge, Karachi East in G&W Application No.2663/2016 Re; Zahida Begum V/s Wasi, is illegal to the extent of schedule of meeting fixed

by the trial Court which requires interference by this Court and the same is hereby modified as per schedule fixed by this Court as above and consequently present appeal is allowed to the extent of schedule of the meeting of the minor with respondent/applicant with no order as to cost”.

3. Learned counsel for the petitioner has assailed both the orders but unfortunately he has not identified any misreading and non-reading of evidence in coming to the conclusion by both the Courts below, not a single sentence from the evidence of either side has been referred to by the learned counsel to assert that the two judgments suffer from any illegality on account of misreading of evidence. It is settled law that constitution petition does not lie against concurrent findings of facts and therefore, this petition is dismissed.

SM

JUDGE