

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No.D-5573 of 2020

Date	Order with signature of Judge
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Present
Mr. Justice Muhammad Ali Mazhar
Mr. Justice Arshad Hussain Khan

Muhammad Zahid.....Petitioner

Versus

Federation of Pakistan & others.....Respondents

18.11.2020

Mr. Rafiq Kalwar, Advocate for the Petitioner.
Mr. Mustafa Safvi, Advocate for Respondent No.4
a/w Syed Ahmed Hussain, Advocate.
Mr. Hussain Bohra, Assistant Attorney General.

Muhammad Ali Mazhar, J: The case of the petitioner is that the respondent No.4 is his wife, whereas the respondent No.5 (Amna Zahid) is the daughter of the petitioner. The petitioner has basically approached this court for restraining the respondents No.1 to 3 not to allow Amna Zahid to travel abroad till disposal of G&W Case No.3217/2020 pending before the Family Court, Karachi-East. Notices were issued to the respondents and today Mr. Mustafa Safvi, Advocate has filed vakalatnama for the respondent No.4 alongwith the counter affidavit. According to the memo of petition, the petitioner has filed G&W Case No.3217/2020 before the Court of Family Judge, Karachi-East, whereas the respondent No.4 has also filed Family Suit

No.3006/2020 for dissolution of marriage by way of khula and both the suits are pending in the same court which fact has also been admitted by the learned counsel for the respondent No.4. In the petition and counter affidavit, various allegations have been levelled vice versa but this is not the forum to decide such type of factual controversy, however, in para 6 of the counter affidavit it is clearly mentioned by the respondent No.4 that she has no intention to remove her minor daughter from Pakistan without adopting due course of law and the same statement has also been given by her counsel in this court, whereas the petitioner's counsel argued that this petition may be disposed of on this undertaking but he added that till decision of the G&W case some, restraining orders may be passed against the respondent No.4 not to remove the custody of ward from Pakistan.

2. Be that as it may, the proper proceedings under the G&W Act have already been initiated by the petitioner himself and after filing of the suit the custody is to be regulated by the G&W court, whereas the respondent No.4 has also approached for the dissolution of her marriage by way of khula and both the suits are pending in the same court. The petitioner may file proper application in the G&W Court if he has any apprehension that the respondent No.4 may remove the custody of minor (Amna Zahid) and travel abroad. The G&W Court shall decide the application on merits after providing opportunity of hearing to the defendant. The petitioner shall file application within 05 days in the G&W Court and the G&W Court shall decide the application on merits within a period of 20 days. Till decision of application by the G&W Court, the respondent No.4 shall not remove the custody of ward and travel abroad with the minor Amna Zahid (Passport No.GQ5170521 as mentioned in statement dated 10.11.2020) from Pakistan and the official respondents No.1 and 2 shall ensure the

compliance of the order till such time the appropriate order is passed and communicated by the G&W court. Petition is disposed of accordingly alongwith pending application.

Judge

Judge

Asif