

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
Const. Petition No.S-15 of 2021

Date	Order with Signature of Judge
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Fresh case :

1. For orders on CMA No.79 of 2021 :
2. For orders on office objection as at 'A' :
3. For orders on CMA No.80 of 2021 :
4. For hearing of main case :

08.01.2021 :

Mr. Zia Ahmed Awan, advocate for the petitioner along with petitioner.

1. Urgency granted.
2. Deferred for the time being.
3. Exemption application is granted subject to all just exceptions.
4. It is contended, inter-alia, on behalf of the petitioner that she married with respondent No.3 on 19.06.2012 at UAE and from the said wedlock one male child namely Radin Khan was born on 14.06.2014 in UAE, who is in illegal detention of respondent No.3. Per learned counsel, respondent No. 3 has disconnected/blocked all communication with the petitioner and she is not aware of the whereabouts of her minor child; and, contrary he has started blackmailing and threatening her with dire consequences if she pursues the custody of the child; that since July 2020 she is in constant mental agony. He emphasized that the mother in whom hizanat vested could not be compelled to surrender to the respondent No.3; that custody of the child are rights to his custody could not be surrendered to obtain Khulla nor could the husband demand such surrender. In support of his contention, he relied upon the case of Mst. Beena v. Raja Muhammad and others (PLD 2020 SC 508) and argued that she has grave apprehension that respondent No.3 may take away the custody of the minors from the jurisdiction of this Court or cause harm either to the petitioner or her minor child, therefore, immediate action is required in the matter.

Principally the controversy as raised by the petitioner needs to be looked into by the learned Guardian and Wards Court concerned for the custody of the minor, however, the petitioner has approached this Court for issuance of the writ of habeas corpus directing the respondent No.1 and 2 to produce her minor son namely Radin Khan.

In the light of above facts and circumstances of the case, let notice be issued to the respondents as well as to AAG for **11.01.2021**. Meanwhile, respondent No.2 SHO P.S Frere Karachi South is directed to produce the minor namely Radin Khan before this Court on the next date of hearing. In the meanwhile, SHO is further directed to provide legal protection to the petitioner as and when she approaches to him. The respondent No.3 is directed to produce minor Radin Khan before this Court on the next date of hearing and in the meanwhile he is directed not to take away the custody of the minor from the jurisdiction of this Court.

JUDGE