

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP No.S-833 of 2019

Date	Order with Signature of Judge
1.	For orders on office objection as at 'A'
2.	For hearing of Main case.
3.	For hearing of CMA No.3639/2019 (Stay)

29.01.2020

Mr. Faisal Shahzad, advocate for petitioner.
 Mr. Khalid Mumtaz and Ms. Saadia Mumtaz,
 advocates for Respondents No.1 to 3.

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The petitioner through this constitution petition has challenged concurrent findings in G&W Application No.827/2016 by the XIXth Civil/Family Judge, South Karachi, which was upheld in G&W Appeal No.62/2019 by the learned VIIIth Addl. District Judge South, 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:-

“In view of above circumstances, I am in view that applicant is not entitled for custody of minors and respondent is entitled to keep the custody of minors but being paternal grand-mother, applicant has absolute right to meet with children of her deceased son. As the applicant is an old lady and cannot come to court to visit her grand-children, hence meeting with minors is allowed to the applicant at her house. The respondent is directed to handover the custody of minors to applicant on alternate Sunday from 12:00 noon to 05:00 pm. The applicant is also entitled for custody of minors on 2nd day of Eid occasion from 12:00 noon to 07:00 pm and every Sunday during summer and winter vacations from 12:00 noon to 03:00

pm and on their birthdays from 04:00 pm to 07:00 pm. All such meetings will be held in presence of court bailiff. Bailiff cost is Rs.1000/- per visit and same is payable by the applicant, subject to furnishing solvent surety of Rs.100,000/- in shape of Defense Saving Certificates”.

2. In appeal learned Appellate Court again examined the facts of the case and the evidence and upheld the judgment. Learned counsel for the petitioner has assailed both the orders but unfortunately she 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