

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

C.P. No.S-315 of 2021

Waqas Ahmed
Versus
Mst. Maryam Hafeez & others

| Date | Order with signature of Judge |
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1. For orders on CMA 2120/21
2. For orders on CMA 2121/21
3. For hearing of main case
4. For orders on CMA 2122/21

Dated: 15.04.2021

Mr. Muhammad Arshad Raja for petitioner.

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This petition has arisen out of the concurrent findings of two Courts below. As an interim measure under section 12 of Guardian & Wards Act, 1890 interim meeting was ordered to be arranged in between wards and father, the applicant/petitioner, who was allowed to meet on every first and third Saturday of the month at 4:00 to 7:00 p.m. at nearest restaurant of his convenience. The petitioner however intends to have custody of wards for two days as an interim measure. Hence, being aggrieved of the order he assailed it in Family Appeal No.67 of 2021 and the order of the trial Court was not interfered on the count, amongst others, that for this interim arrangement and interim relief, family appeal would not lie under section 14 of Family Court Act.

Though under section 14 of the Family Court Act, 1964 a decision is appealable however considering the facts and circumstances when interim meeting was ordered to be arranged in terms of the order of the trial Court the order was not interfered by the appellate Court. Trial Court has exercised their right and maintained by appellate Court and such discretion being rightly exercised cannot be interfered. There is nothing to interfere in the interim arrangement, which seems to be lawful and justified. Main application under section 25 of Guardian & Wards Act 1890 is pending and such contention of the petitioner shall be taken into consideration at the time of final conclusion. Petition being misconceived is dismissed along with listed applications.

Judge