ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI CP.No.S-992 of 2018

Date Order with signature of Judge

31.05.2018

Mr. Qadir Hussain Khan, Advocate for Petitioner alongwith petitioner.

Inspector Sajjad Khan, SIP Imran Ali, P.S. Alfalah.

Petitioner being mother filed instant petition for recovery of baby Reja aged about 2 ½ years. Pursuant to direction police officials are present in Court alongwith respondent No.5 (father) and they have produced the minor. At the outset, case of the father is that petitioner is his second wife and she was subordinate in his firm; after marriage they were residing together when petitioner having pregnancy of three months, left his house and was residing with her parents though was concerned with regard to date of delivery when petitioner was admitted in a hospital where proper medical facilities for delivery were not available, he approached there and brought her at Usmania Memorial Hospital where baby Reja was born and on the day one he received custody of the minor by the hospital and proceeded to his house by leaving petitioner in hospital hence, instant petition is not maintainable as mother has not seen this baby from the date of birth as well earlier CP filed by the petitioner was dismissed in nonprosecution.

Counsel for the respondent further contends that instant petition is not maintainable; petitioner can file application for custody before the concerned Court.

Heard and perused the record.

It is very strange that mother was deprived of the custody from the day one when she went in surgery and was hospitalized and from the day one father shifted custody, which attitude of father apparently falls within the criminal negligence, however, this petition is for custody, therefore, as an interim arrangement, custody of the minor is handed over to the petitioner. However, respondent No.5 would be at liberty to avail all remedies before the concerned Court and in case respondent No.5 feels that petitioner disqualifies her entitlement of custody he would be entitled to file application for recovery of custody. Petition is allowed.

JUDGE

SAJID