

**IN THE HIGH COURT OF SINDH
CIRCUIT COURT, LARKANA**

C.P. No. S- 196/2022. : Mst. Balqees Chandio vs.
SHO, P.S Qubo Saeed Khan & others.

For the Petitioner : Mr. Hakim Ali Chandio, Advocate.

For the Respondent No.3 : Mr. Nazir Hussain Chandio, Advocate.

For official respondents : Mr. Munawar Ali Abbasi, Asstt. A.G.

Date of hearing : 07.04.2022.

Date of announcement : 07.04.2022.

ORDER.

Adnan-ul-Karim Memon, J. Through this petition, petitioner Mst. Balqees Chandio has sought for production of her daughter Mst. Sumera Khatoon alongwith her minor son, namely, Abu-Bakar from the custody of respondent No.3 (Raza Hussain) who happens to be husband of Mst. Sumera. According to the petitioner, Mst. Sumera Khatoon has been kept against her freewill and wish by the private respondents.

Mr. Nazir Hussain Chandio, Advocate files vakalatnama on behalf of respondent No.3, which is taken on record. He opposes the petition on the ground that the same is not maintainable under the law. Primarily, the objection is not sustainable under the law as the husband has detained his wife without lawful justification, therefore, the objection is over ruled.

Pursuant to notice, the alleged detainee Mst. Sumera Khatoon alongwith her minor son Abu-Bakar have been brought up by SIP Azhar Hussain Memon SHO P.S Qubo Saeed Khan and are present in Court. Her statement has been recorded by SHO, in which she has categorically stated that her husband i.e. respondent No.3 is not treating her well and used to maltreat her frequently, as such she wants to go to her parents. She has further mentioned that, she apprehends danger to her life and lives of her minor son and parents at the hands of her husband Raza Hussain and his accomplices; therefore, they may be provided legal protection as per law.

In the present circumstances, it is apparent that, Mst. Sumera has been detained by the husband without her will and consent and well being but this is not for this Court to determine on the subject issue any further. However, the only required determination being the will of the alleged detainee, which having been expressed by her. As such, she alongwith her minor boy is allowed to go with her mother i.e. the petitioner. However, the parties having civil remedies as available to them may agitate the same before the proper forum. Moreover, as an interim measure the husband i.e. respondent No.3 is directed to pay maintenance to Mst. Sumera for herself and her minor boy to the tune of Rs.10,000/- (Ten thousand rupees) per month, till final determination by the Family Court, if approached by the parties.

Since, Mst. Sumera has shown serious apprehension, as such the respondent No.3 is required to execute a P.R bond before Additional Registrar of this Court in the sum of Rs.500,000/- (Five hundred thousand rupees) to the effect that he would not cause any harm to Mst. Sumera Khatoon, her minor son and parents. Simultaneously, the SHO P.S Qubo Saeed Khan, present in Court is directed to ensure that, Mst. Sumera and her parents are provided due protection without any illegal disturbance on part of any one, even the said husband

The petition stands disposed in above terms.

Judge