

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP No.S-949 of 2020**

Order with signature of Judge

For directions

For orders as to maintainability

22.03.2021

Mrs. Arjumand Khan, Advocate for the Petitioner
Ms. Mehreen Ibrahim, Advocate holding brief for
Mr. Muhammad Yaseen Azad Advocate for respondent No.1

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The petitioner has filed the instant petition under Article 199 of the Constitution against the order dated 19.10.2020 passed by trial court whereby petitioner`s contempt application against the respondent was dismissed.

Record shows that the petitioner filed an application under Section 25 of the G&W Act, 1890 which was disposed of vide order dated 16.4.2019 and the same was challenged before the appellate court which order was modified by granting schedule of meeting vide order dated 02.12.2019.

The trial court was pleased to call the minors and it was observed by the trial court that the minors were intelligent enough to decide as to whether they [minors] want to meet with the petitioner or not and in view of aggressive and threatening attitude of the petitioner, the minors refused to meet with the petitioner. Pursuant to categorical statements of the wards, the contempt application of the petitioner was dismissed. When learned counsel for the petitioner was asked as to whether any alternate and efficacious remedy is available to the petitioner besides filing the instant petition, she submitted that there is no provision under law, hence she filed instant petition. From perusal of record, it appears that through the order of the appellate court dated 02.12.2019, only

the schedule of meeting was modified and in view of categorical refusal of the minors, a contempt cannot be enforced. Of course, the guardian court and the executing court may have certain obligations as parental court to improve the relationship between the ward and father but such object cannot be achieved through contempt proceedings as it may aggravate the situation.

In view of the above, the order passed by the learned trial court dated 19.10.2020 does not require any interference by this court. Accordingly, the instant petition is dismissed.

J U D G E