

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP NO.S-463/2012

Date	Order with signature of Judge
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1. For order on Nazir report dated 17.10.2022.
2. For order on office objection and reply.
3. For hearing of CMA No.2156/2021
4. For hearing of CMA No.2201/2021
5. For hearing of CMA No.4256/2022
6. For hearing of main case.

04.11.2022

Ms. Tauqir Fatima advocate alongwith petitioner.
Respondent No.1 Riaz Hussain Rohail Siddiqui present.

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After hearing, the parties agree that :-

1. Respondent No.1 who is father of Falak Naz (the minor) contended that he is going to retire in near future. Accordingly he will deposit Rs.200,000/- out of his retirement benefits, in favour of the minor in her bank account to be maintained as minor's account.
2. From November 2022 respondent No.1 will continue to pay Rs.5000/- on monthly basis to the minor; and in case if joins any other new service/job, he will add Rs.2,000/- more per month to above amount, out of income earned from that job.
3. With regard to dowry articles respondent No. is ready to hand over the same through Nazir of this court. Accordingly, Nazir shall depute any subordinate official/officer for that purpose who shall ensure that dowry articles are handed over to the petitioner under proper inventory and also ensure that there is no situation of affray.

4. At this stage parties also agree that the minor may be got admitted in Army Public School Karachi as respondent No.1 is serving in Central Ordnance Depot Karachi and is ready to pay school fees of minor's at that school due to certain concessions available to him at that school.
5. With regard to visitation, minor on weekly basis on Sunday minor will join the father/ respondent at his home at 9 am till 5 pm and the SHO concerned shall depute any lady police official for ensuring that minor is handed over to the father at specified time and is returned to the mother at specified time. The official deputed will not be required to be present the whole day if situation is normal and the minor is comfortable.

Besides, respondent No.1 contends that since right of *Hizanat* is not in favour of the petitioner/mother, at present she has crossed the age of 12 years, therefore, he may be allowed custody of minor. Accordingly, respondent shall be at liberty to approach guardian and wards court and would be at liberty to file fresh guardian and wards petition on new cause of action as in family matters decree and judgment can be modified as same are concurrent cause of action due to emergence of new events/circumstances and under the right of *Hizanat*.

Under the circumstances, this petition is disposed of.
Nazir shall ensure compliance.

J U D G E