

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP NO.S-490/2021

Date	Order with signature of Judge
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1. For hearing of CMA No.3034/2021.
2. For hearing of main case.

01.07.2021

M/s. Jaffar Raza and Rabia Khan advocates alongwith petitioner with minor Ammar.

Mr. Salman J. Mirza advocate alongwith respondent No.2.

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Through this petition, petitioner has challenged order dated 31.05.2021. The relevant paragraph is that:-

“Keeping in view the facts & circumstances and the precedents of the Hon’ble Superior Court and in order to ensure development of love, bondage and affinity between father and minors and which is fundamental to crave a balanced personality of the minors. The interim custody of the minor son said minor Ammar Durrani is allowed for 20 days, shall be handed over to the applicant (Father) on Saturday 05.06.2021 at 12:00 PM and shall return the custody of the minor to respondent at 12:00 PM on 26.05.2021. Whereas, other minor is of very young age and totally dependent upon respondent (Mother) so his custody for summer is declined however earlier passed order for the interim custody dated: 12.01.2021 shall be obeyed by the parties as directed already. Learned counsel for the respondent has vehemently argued that applicant is drug addict and physiologically unstable but no proof, so far in this regard is brought on record. However, in case of emergency learned counsel for the respondent can bring on record any urgent nature issue through urgency/ anti date application. Applicant is also required to intimate the court with regard to any emergency specially related to the minor namely Ammar during said 20 days in order to dispel the allegation of drug addiction and physiological un-stability.”

2. By above order trial court has directed that custody shall be handed over to father for 20 days in summer vacations. However petitioner, (the mother), is disputing the interim order. This matter is taken up in chamber with an attempt to reconcile the issue.

Both counsel for respective parties have filed statements with regard to visitation by father and interim custody during the period of summer vacations. Prime concern of the mother is detachment if custody is handed over to the father for 20 continuous days. Minor is aged about 5 years. *Prima facie*, minor is very familiar with the father as observed in chamber, however at present custody is with mother.

3. This court while considering the proposals by respective parties, feels that father should not be deprived of the custody of minor during summer vacations, however continuous custody for 20 days with father would not be justified as minor is of tender age and residing with the mother hence, as an interim measure, it appears in all fairness that minor shall be handed over to father for seven days from 3rd July to 10th July, thereafter custody shall be returned to the mother for next seven days and in similar way custody shall be handed over to the father from 18th July to 25th July and thereafter custody shall remain with the mother. Besides, this summer vacation mechanism, visitation as ordered by the trial court shall remain in field.

To come up on 10.08.2021.