

IN THE HIGH COURT OF SINDH AT HYDERABAD

CP No.S-359 of 2023 : Mst. Sana Saeed.
For the Petitioner/s : Mst. Samina Ajmaree, Advocate.
For the Respondent/s : Syed Shafique Ahmed Shah, Advocate.
For Province of Sindh : Mr. Wali Muhammad Jamari, A.A.G.
Date/s of hearing : 23.10.2023.
Date of announcement : 23.10.2023.

ORDER

Agha Faisal, J. The present petition challenges the judgment dated 08.03.2023 rendered by the VIth Additional District Judge, Hyderabad in Guardian Appeal No.03 of 2023. *Admittedly*, this order was rendered by consent. The compromise deed is placed on record along with statement dated 19.10.2023 and the operative part of the impugned judgment reads as follow:

"5. Both the parties appeared before this Court and confirmed the contents of mutual compromise. I have perused the mutual compromise consist upon certain terms and conditions whereby the respondent handed over the Custody of minor Muhammad Zohan Haider aged about 3 years to appellant with the right of meeting with respondent on 2nd and 4th Saturday of each month from 7.00 PM to 9.00 PM so also on .Eid Festivals and the appellant has also paid Rs.40,00,000/- through pay order No.02450863 dated 08.3.2023 through Dubai Islamic Bank Auto Bhan Road Latifabad Hyderabad and also ready to withdraw the cases filed against each other.

6. In the circumstances, since parties have entered into mutual compromise without any force and pressure with the consent of each other, therefore, there is no need to keep pending instant appeal on the file of this court which is disposed of accordingly with no order as to cost. In this context, the learned Family Court, being Guardian/ Trial Court/ proper forum, is directed to retain the mutual compromise on record, obtain bond from both the parties to abide of the terms and conditions and in case of any violation, the aggrieved party shall have to approach the learned Family/ Guardian Court to redressal of its grievance. The parties are directed to appear before the Guardian Court on 13.03.2023 for further proceedings. Let true copy of judgment be transmitted to the learned trial Court for information, record and compliance".

While the petitioner claims that the compromise reached is not being honored by the respondent, however, no case has been made out to interfere in the consent appellate order dated 08.03.2023. In view of the foregoing, the present petition is found to be misconceived, hence, dismissed along with pending application.

JUDGE