

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

**C.P No.S-340 of 2024**

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Order with signature of Judge(s)

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Fresh case

1. For orders on CMA No.3052/2024 (Urgent Application)
2. For orders on CMA No.3053/2024 (Exemption Application)
3. For orders on CMA No.3054/2024 (U/O XXXIX Rules 1 & 2 r/w 151)
4. For hearing of main case

**15.03.2024**

Mr. Irfan Bashir Bhutta, Advocate for the petitioner  
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1. Urgency granted.
  2. Exemption granted subject to all just exceptions.
- 3&4. Learned counsel for the petitioner mother states that the petitioner moved application under Section 7(10) and respondent father under Section 25 of the Guardian and Wards Act, 1890, which were decided through consolidated order dated 21.02.2024 (page-27), where *inter alia* the father was entitled to meet the minor within the court premises on every 1<sup>st</sup> and 3<sup>rd</sup> Saturday of each calendar month from 11:00 till 02:00. Counsel states that the respondent father challenged the said consolidated order, where by way of interim relief the appellate Court through order dated 07.03.2024 after issuing notice to the respondents has ordered parties to maintain *status quo*. Counsel states that while this order is vague in nature and at best could be considered that no action contrary to the impugned consolidated order should have been made, however thereafter Bailiff appeared at petitioner's residence to collect the child. The minor daughter under the age of Hazanat was not handed out to the Bailiff, against which inaction, the petitioner fears coercive action. Learned counsel states that order passed by the appellate Court is non-speaking and does not give any cogent reasons as to why a departure from the order of the trial Court is made. Not only so, it is specifically not mentioned that the consolidated

order has been suspended and the respondent father taking benefit of such lacuna is forcing the petitioner mother to handover custody of the minor to the Bailiff, so that the minor be presented to the respondent father, who *in fact* does not want to meet the child in the court premises.

Let notice be issued to the respondents as well as A.G Sindh for **27.03.2024**. In the meanwhile, subject to the appellate Court passing a detailed and speaking final order on the application filed by the respondent, the visitation rights at page 6 of the consolidated judgment dated 21.02.2024 shall continue till the next date of hearing i.e the respondent father only to meet the minor in the court premises on the given date and time.

JUDGE

B-K Soomro