

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI  
C.P. No.S-241 of 2024

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Date	Order with signature of Judge
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- 1.For order on CMA No.2421/2024
- 2.For order on office objection
- 3.For order on CMA No.2422/2024
- 4.For order on CMA No.2423/2024
- 5.For hearing of main case

28.02.2024

M/s. Amna Usman & Muhammad Jibran Nasir, Advocates for the petitioner alongwith the petitioner.

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1. Urgency granted.
2. Deferred for the time being.
3. Exemption granted subject to all just exceptions.
- 4-5. Learned counsel states that petitioner married with respondent No. 1 in the year 2005 and out of said wedlock two children were born aged now about 16/10 years respectively. The petitioner was residing at the family flat of the respondent No.1 along with father and mother of the respondent No.1. Learned counsel states that petitioner has been a victim of physical abuse by the respondent husband as she was assaulted from time to from and on 24.02.2024 between 5 to 6 p.m. the respondent No.1 beaten her with kicks and fists and assaulted her body and face which resulted in bleeding which acts were witnessed by her father/mother in law as well as son of the petitioner who were at the flat. When the said incident took place, per learned counsel the petitioner called her brother as well as filed an application to the SHO P.S. Darakhshan seeing medical examination of the injuries caused to her. Learned

counsel states that medical examination took place and as per medico legal certification (page-53) at least nine injuries were inflicted upon the petitioner and being granted protection of Domestic Violence Act, 2013, the petitioner who was dispossessed from her house and kept away from her children, proceedings under Domestic Violence Act were initiated before the Judicial Magistrate-V South, Karachi bearing Domestic Violence Petition No. Nil of 2024 through her counsel Ms. Amna Usman who states that facts of the matter were fully narrated to the concerned Court and Court's responsibility under Section 10 of the said Act was brought to its knowledge and as well as a request was made to pass appropriate orders under Section 11 restraining the respondents from entering into the house as well as from threatening the petitioner. The learned counsel states that she witnessed that the learned Judicial Magistrate-V dictated a favourable order, however, later on it turned out that the learned Judge only chose, for reasons best known to him, to issue notice without providing any interim relief. Learned counsel states that object of the Act 2013 is to provide expeditious institutionalized measures to protect and prevent women, children and any person from domestic violence where specific provisions have been made under Section 10 for the giving interim relief because such issues are traumatic, gruesome and time sensitive, however, the failure of the Court concerned from granting any interim relief has caused serious prejudice to the petitioner as well as children and parents of the respondent No.1 residing in the premises. A request is made that this Court should now under its constitutional mandate may implement such provision of law to protect the petitioner and her children.

In these circumstances, issue notice to the respondents for **21.03.2024**, in the meanwhile as envisaged by Section 11 of the Act 2013, the respondent No.1 is restrained from entering in the subject flat bearing No.5, Plot No.26-C, 14<sup>th</sup> Lane, Bukhari Commercial, Phase-VI, DHA, Karachi till the next date of hearing and as it prima facie appears that the petitioner was brutally attacked and a serious case of domestic violence is committed and there is danger that respondent No.1 may commit such an act again in the future, SHO P.S. Darakhshan is directed to ensure that petitioner, her children, father/mother in law as well as her own brothers/sister/parents do not suffer from the hands of the respondent No.1 and respondent No.1 be kept away from above mentioned flat as well as work place of the petitioner, school of the children and not to hinder the petitioner or her children in their daily routines. The respondent No.2 is directed to ensure that no harassment is caused to the petitioner, her children as well as her family members from the acts of the respondent No.1 and extra security measures be taken to avoid any violation of the Act 2013. SHO (concerned respondent No.2) is also directed that if the respondent No.1 has taken away any personal belongings of the petitioner, her children or her family members, the same be safely returned to the petitioner by the said respondent forthwith under an inventory list duly signed.

Let a copy of this order be sent to the trial Court as well as SSP South, Karachi.

JUDGE