

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-3741 of 2024.

Date: Order with signature(s) of the Judge(s)

For Orders as to Maintainability of Petition.

29th October, 2024.

Mr. Tassaduq Nadeem advocate for the Petitioner.
Amin Ahmed, Assistant Director, Passport.
Mr. Jan Muhammad Khuhro, AAG.
Mr. Pir Riaz Muhammad Shah, DAG.
Ms. Amna Ansari, Addl. P. G. Sindh.

Admittedly Petitioner claims that he contracted marriage with Mst. Saira [Respondent No.8] and out of said wedlock baby Hoorain was born and after lapse of some period Mst. Saira left house of Petitioner and has contracted marriage with someone else. Accordingly, Petitioner has lodged FIR No.692/2022, under Section 496-A PPC with PS Korangi; that FIR was disposed of by way of compromise.

Petitioner has filed birth registration certificate [available at page 117 of court file] which shows that Hoorain's mother name is Ishabah [second wife of present Petitioner]; whereas, on account of his complaint with the police and application under Section 22-A & B Cr.PC as well as Habeas Corpus petition under Section 491 Cr.PC police submitted report that Mst. Saira real mother of Hoorain while staying in her sister's house adjacent to the house of Petitioner took away her daughter. Petitioner is claiming that Saira is residing in Dubai, although she does not possess a CNIC. Furthermore, the Petitioner has not updated Saira's name in the NADRA records or updated Hoorain's name in her 'B' Form. Consequently, the passport office cannot process a travel history request without the necessary documentation. Accordingly, this is a case of custody issue between Petitioner and his ex-wife Mst. Saira, therefore, jurisdiction lies with guardian court and Petitioner would be at liberty to file application with the G&W Court and G&W Court would be competent to issue direction for production of minor.

In view of above, instant petition is dismissed.

JUDGE

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