

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-**2604** of 2022
(Professor Dr. Bibi Kulsoom Vs. Fed: of Pakistan & others)

Date	Order with Signature(s) of Judge(s)
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Fresh case

1. For order on Misc. No.11620/2022(U/A)
2. For order on Misc. No.11621/2022(Ex.App)
3. For hearing of main case

27.04.2022

Petitioner in person

1. Granted.
2. Exemption granted but subject to all just exceptions.
3. Petitioner by means of this petition is seeking directions to Director General, Passport & Immigration Office, Karachi, respondent No.2 not to issue or renew passport of his minor son Nooruddin Ahmed; and to Federal Authorities to place his name on Exit Control List (**ECL**) so that he could not be taken away by his father namely Nasir Ali Afsar, respondent No.4, her ex-husband, from Pakistan.

A perusal of file shows that petitioner had filed an application u/s 25 of the Guardian & Wards Act, 1890 before relevant Family Court, Karachi for custody of her said son, which was dismissed vide order dated 29.09.2021, however, with the terms extending visiting rights to her. Against that order she has filed an appeal before the learned District & Sessions Judge East, Karachi, which is perhaps, still pending because we have not found any order disposing of the same. In terms of the order of Family Judge her ex-husband has deposited passport of the minor with the Nazir of the District Court with the condition that it will be returned to him on attaining majority and a further rider that no separate application would be entertained by the Court for return of passport or for travel of minor abroad. This observation in our view is sufficient to assuage fears/apprehensions of the petitioner regarding shifting of her minor son away from the country thwarting of which she is seeking throughout

this petition. But, in any case, if she has still misgivings in this regard can file application before the same court or before the appellate court, if her appeal is still pending. Petitioner and her ex-husband have filed several cases against each other which are pending in different courts also shows that their dispute is on number of issues and is essentially factual in nature. Therefore the same understandably is beyond pale of jurisdiction exercisable under the Constitutional.

In these circumstances, we find this petition not maintainable and dismiss it in *limine* along with all applications, however, leaving the petitioner at liberty to avail her remedy in accordance with law.

JUDGE
JUDGE

Rafiq/P.A.