

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
C.P.No.S-1062 of 2025

Date	Order with Signature of Judge
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1. For orders on CMA No.6933 of 2025
2. For orders on office objection
3. For orders on CMA No.6934 of 2025
4. For orders on CMA No.6935 of 2025
5. For hearing of main case

08.10.2025

Appellant/Sajjad Ali is aggrieved by the Judgment and Decree dated 14.05.2025 passed by the District Judge Sujawal in G&W Appeal No.01 of 2025,¹ dismissing his appeal filed against the order dated 28.10.2024 passed by the Guardian Judge in G&W Application No.13/2023 (Sajjad Ali Mirani v. Mst. Maria Soorjo) dismissing the aforesaid G&W Application.² He contends that the Judgment, Decree, and Order passed by the lower forum are “without lawful authority” and “are of no legal effect”, hence his challenge under the writ jurisdiction of the 1973 Constitution before the Regular Bench of the High Court.

The background of the matter is that earlier, the respondent No.1/Mst. Maria Soorjo, the former spouse of the petitioner/Sajjad Ali, had filed Family Suit No.12 of 2023 before the Family Judge-II at Sujawal, which was compromised, and, the Family Judge passed a compromise decree dated 05.05.2023.³ Per the compromise decree, the parties agreed to certain visitation rights and maintenance to be paid by the petitioner/father to support his daughter/Gulijana Fatima. It appears that the petitioner/Sajjad Ali, may not have fulfilled his obligations under the compromise decree, and consequently, the respondent No.1/Mst. Maria Soorjo filed for and obtained khula (this is based on observation of the Guardian Judge in the reasons mentioned in Issue No.1 of the impugned Order dated 28.10.2024). Thereafter, the petitioner/father filed G&W Application No.13 of 2023 seeking custody of the minor. Ultimately, the action culminated in the impugned Judgment and Decree dated 28.10.2024, wherein, after recording of evidence, the Guardian Judge held that there was no evidence suggesting that the environment provided by the respondent no.1/mother was harmful to the welfare of the child, and she appeared capable of managing the child's daily needs. The Guardian Judge found that the petitioner/father had failed to prove that the welfare of the minor was with the father, and the application for custody of the minor filed by the petitioner/father was declined. The Guardian Judge held that the mother would continue to keep the custody of the minor. At the same time, the terms of the visitation were also

¹ Available on pages 23-33 of the petition

² Available on pages 93-99 of the petition

³ Available at pages 107-109 of the petition

modified in the said order; hence, the compromise decree dated 05.05.2023, which covered overlapping matters, also stood modified. The petitioner/father, aggrieved by the Order passed by the Guardian Judge, filed an appeal before the District Judge Sujawal in G&W Appeal No.01 of 2025. However, after hearing the parties, the appeal was dismissed vide the impugned judgment dated 14.05.2025.

I have perused the impugned appellate judgment and decree dated 14.05.2025, and do not find any irregularity, illegality or defect that would trigger the ingredients of Article 199(1)(a)(ii) of the Constitution of Pakistan. Both judgments are well-written and supported by legal reasoning and case precedent applicable to the facts and circumstances of the case. There is no reason made out for me to make any intervention.

Given the above, this petition stands dismissed in limine along with the listed applications.

J U D G E

Imran