

**THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**

C.P.No.S- 316 of 2024

Mst. Fozia Ali

Vs.

1st ADJ Dadu & 2 others

1. For hearing of MA 914/2024.
2. For hearing of main case.

Petitioner	:	Mst. Fozia Ali d/o late Ali Sher through Mr. Muhammad Altaf, Advocate.
Respondents No.1 & 2	:	Nemo.
Respondent No.3	:	Ali Akbar s/o late Abdul Latif present in person.
Date of hearing	:	04.11.2025.
Date of Order	:	04.11.2025.

ORDER

JAWAD AKBAR SARWANA, J: Petitioner-mother Mst. Fozia Ali is aggrieved by the impugned order dated 24.10.2023, passed by the Family Judge, Dadu on the ground that the visitation rights extended to the respondent-father concerning his minor daughter (one and a half years old) to visit her father twice a month on the 1st and 3rd Saturday of every month from 10-00 a.m. to 12-00 p.m. before the Family Judge, in Dadu is too cumbersome. She claims to be currently employed at Roshan Tara Secondary School, with her work address in Karachi. She presently resides at the address indicated in her appointment letter, as A-1248 Gulshan Hadeed Phase-II, Karachi (available on page 19 of the petition), in Karachi. She further contends that as per her CNIC issued on 01.04.2023 (after she obtained Khula), it also indicates her address is in Karachi (available on page 63 of the petition). She further contends that she no longer resides in Dadu, and it is not practicable to travel with her minor daughter to Dadu to visit her father. She argues that neither this aspect has been discussed in the impugned order nor have the parties led any evidence. Counsel concedes that, as per the order dated 25.03.2023, passed by the Family Judge, this issue, viz., jurisdiction of the Family Judge, was taken up as a challenge to the jurisdiction of the Family Judge. The petitioner contested the court's competency on the ground that she resided beyond the territorial jurisdiction of the Family Judge. No evidence was produced or discussed during the trial concerning visitation. None (evidence) is available on record which explains how the Family Judge decided to fix visitation of the minor in Dadu,

compelling the mother to travel to Dadu with the minor, as opposed to having the father travel to Karachi, and such visitation may be arranged through the Courts at Karachi. It is not the domain of this regular bench to determine such “issues of fact” in writ jurisdiction; suffice to say, that the place/venue of visitation and its related modalities require evidence and judicial determination by the learned Family Judge, including whether in the facts and circumstances and law either the father should travel to Karachi to meet his minor daughter and what place/venue this should be, or alternatively, the mother should travel with the minor to Dadu.

2. In the circumstances, the issue of place/venue of visitation in the impugned order dated 24.10.2023, i.e. in the Court of Dadu, and other practical issues relating to visitation require evidence to be produced before the Family Judge, Dadu. Accordingly, the impugned order dated 24.10.2023 to the extent of determination of the place/venue of visitation for the minor to meet with her father and its modalities only is remanded to the Family Judge, Dadu to decide this issue afresh within a period of six (06) weeks including recording evidence of the parties, if need be, and after hearing the parties, decide the issue of place/venue of visitation and its modalities by way of a speaking order. For the removal of doubt, all other matters decided in the impugned order dated 24.10.2023 do not require any interference.

3. Petition stands disposed of in the above terms along with the listed application.

JUDGE

Tufail