

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
CP No.S-1410 of 2025
[Dr. Imad Altamash v. Mst. Sara Khalid and 02 others]

| Date | Order with signature(s) of Judge(s) |
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| | <ol style="list-style-type: none">1. For orders on office objection No.1 a/w reply as at A2. For hearing of CMA No.8939/20253. For hearing of main case |

23.12.2025

Mr. Hasan Mandviwalla, advocate for the petitioner
Ms. Hira Agha and Mr. Zia-ul-Haq Makhdoom, advocates for the respondent No.1
Mr. Pervaiz Ahmed Mastoi, AAG

O R D E R

Nisar Ahmed Bhanbhro, J. Through this petition, the petitioner has challenged the order dated 03.11.2025 passed by the Court of XVI-Family Judge, Karachi, South, whereby an application seeking modification in the order dated 21st May, 2025 regarding meeting schedule of the minor with petitioner was declined.

2. It is the case of the petitioner that the learned trial Court vide order dated 21st May, 2025 had granted bi-weekly meeting (1st and 3rd Saturday of each English Calendar month) of the minor with the father for three hours from 01:00 p.m to 04:00 p.m. Petitioner filed application seeking modification in meeting schedule which was declined on the ground that the same was without any reason. Learned trial Court in Paras 5&6 of the order dated 03.11.2025 observed in following manner:

“5. Perusal of record shows that the applicant is the real father of the minor and he has been allowed meeting as per order dated 21.05.2025, i.e., for three hours on 1st and 3rd Saturday at his residence. Record further shows that no adverse report or complaint has been received regarding the conduct of the applicant during previous meetings nor has any report or application been submitted indicating that the minor experienced any discomfort or negative impact during such meetings. I am of the view that allowing the applicant to take the minor out of his house for short outdoor activities like shopping or lunch during these same meeting hours would not prejudice the welfare of the minor rather, it would help strengthen the emotional bond between the father and the minor and provide

the child with mental comfort and relaxation. Hence, in view of the above mentioned facts, the applicant is allowed to take the minor outside of house for short outdoor activities such as shopping or lunch as per the schedule already decided vide order dated 21.05.2025, from 01:00 pm to 04:00 pm on 1st and 3rd Saturday of each English calendar month subject to submission of P.R bond of Rupees Ten Million to ensure compliance with this order and safe return of the minor to the respondent after each meeting. Family Court has parental jurisdiction over the cases of Guardianship & custody matters. Mere allowing special meeting or allowing for shopping etc does not amount to review.

6. However, regarding the second application for extension of meeting from bi-weekly to weekly basis, no convincing ground has been made out to modify the previous order. The existing arrangement already provides sufficient opportunity for the applicant to meet and spend quality time with the minor twice a month. This schedule maintains a healthy balance, allowing the minor to spend one Saturday with the father and the next with the mother, which ensures emotional stability and comfort for the child. Increasing the frequency of meetings may disturb the minor's routine and adjustment with the mother, who is the primary caregiver. Hence, the application for extension of meetings to a weekly basis is dismissed, while the existing visitation schedule shall remain intact. Both applications are hereby disposed of accordingly."

3. Mr. Hasan Mandviwala, learned counsel for the petitioner, painstakingly argued that the petitioner being father is entitled to meet with the minor baby on weekly basis and meeting on the alternate week will reduce affection of the petitioner with the minor, therefore, prayed that his petition may be granted.

4. Mr. Zia-ul-Makhdoom, advocate files power on behalf of the respondent No.1 and submitted that the order passed by the Guardian and Wards Court were in accordance with the law and the same attained finality and the learned G&W Court has no power to review its order.

5. Heard arguments. This petition is directed against the order whereby amendment in meeting schedule was declined. A perusal of the application filed by the petitioner demonstrates that no grounds for amendment in the meeting schedule were agitated in the application so filed. The minor baby is a girl, she needs custody and care of the

mother and the meeting already arranged by the learned trial Court is quite sufficient and reasonable.

6. Perusal of the record further reveals that the G&W application was filed by the father for the custody of the minor and at the same time mother has also filed G&W application. Both the applications are being heard by the same learned trial Court and will be decided on merits strictly keeping in view of the provisions of Sections 17 of the Guardians and Wards Act, 1890. Since the minor is residing with the mother and she is a girl, therefore, there can be no best care-giver in the situation other than the mother, therefore, disturbing the custody of the minor from mother will not serve any purpose, least it may disturb the life routine activities of minor. Learned trial Court has already granted physical meeting of the father with the minor on alternate Saturdays and father can approach the mother through his family members for a video meeting at a suitable time, if approaches. It is expected that the mother shall not create hurdle in the said meeting in any manner. The petitioner being father is also entitled to remain in contact with the minor. It is expected that the parties will sit together and resolve this issue amicably as no doubt the G&W Court enjoys parental jurisdiction but routine attendance of the minor before the Court of law will harm her future and parents if seriously consider the welfare of the minor, they should settle such like dispute amicably outside the Court.

7. This petition being devoid of merits is accordingly dismissed alongwith pending application(s). However, learned trial Court is directed to expedite the proceedings in the G&W applications and decide the same within a reasonable time on merits.

JUDGE