

ORDER SHEET  
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR  
Cr. Misc. Application No.S-320 of 2022

Date	Order with signature of Judge
------	-------------------------------

- 1. For orders on MA No.2524/2022
- 2. For orders on office objection at flag `A`
- 3. For orders on MA No.2525/2022
- 4. For hearing of main case
- 5. For orders on MA No.2526/2022

06-06-2022

Mr. Muhammad Junaid Akram Malik, Advocate for Applicant  
.....

- 1. Granted.
- 3. Granted Subject to all just exceptions.

2,4 & 5. Through instant Criminal Miscellaneous Application, Applicant Muhammad Ashraf seeks setting-aside the Search-Warrant dated 28.05.2022, issued by the order of 2<sup>nd</sup> Civil & Family Judge, Moro, for the recovery of his son minor Muhammad Azan.

Heard learned counsel for the applicant and perused the material available on record.

It appears that respondent No.4 Mst. Noor Fatima, the Ex-Wife of the applicant and mother of the said minor, filed G & W Application No.17/ 2020, for her appointment as Guardian of Minors / Wards namely (i) Sheeraz Ali, aged 13 years, (ii) Shahriar, aged 11 years, (iii) Isha Farah, aged 09 years and Muhammad Azan aged 03 years, which was dismissed by 2<sup>nd</sup> Civil & Family Judge, Moro, vide order dated 20.09.2021. Against that, the respondent No.4 preferred G & W Appeal No.15/2021, which was partly allowed by the learned District Judge / Civil Model Appellate Court, Naushahro Feroze, by allowing custody of minor Muhammad Azan to respondent No.4. Since the said

order was not complied with by the applicant, the respondent No.4 filed an application u/s 100 Cr.P.C, before the 2<sup>nd</sup> Civil & Family Judge, Moro which was allowed vide order dated 11.02.2022. Consequently, impugned such warrant was issued. As per her own contention, the applicant has preferred a Constitutional Petition against aforementioned order of the appellate court passed in G & W Appeal No.15/2021, yet no order suspending the aforesaid order of the appellate court has been passed by this court till date, hence, there is no bar to the court of Family Judge in issuing the impugned such warrant for the recovery of minor Muhammad Azan. Accordingly, instant Criminal Miscellaneous Application being devoid of any merit is dismissed along with pending applications.

JUDGE

Suleman Khan/PA