

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P No.S-244 of 2026

[Mst. Bakhtawar Shafique v. Adnan Adil Mithwani]

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For orders on M.A No.836/26.
2. For orders on office objections.
3. For orders on M.A No.837/26.
4. For orders on M.A No.838/26.
5. For hearing of main case.

20.04.2026.

Mrs. Razia Ali Zaman Patoli, Advocate for Petitioner

ORDER

Adnan Iqbal Chaudhry, J.– Urgent hearing granted. The Petitioner (mother of the minor) has challenged orders dated 03.12.2025 and 31.03.2026 passed respectively by the Family Judge and Additional District Judge, Hyderabad in appeal, granting the Respondent (father of the minor) interim custody of the minor under section 12 of the Guardians & Wards Act, 1890, by allowing him to interact with the minor *via* video link operated from the Court premises on certain dates to connect with the Respondent who resides abroad.

The first objection taken by learned counsel to the impugned orders is that the Respondent's application for permanent custody, moved under section 25 of the Guardians & Wards Act, had already been dismissed for non-prosecution; and therefore, an application for visitation rights under section 12 of the Act, was not maintainable. However, the case of *Gul Sadem Khan v. Mst. Halima & others* (PLD 2025 SC 47) cited by learned counsel in that regard does not lay down such proposition. It is settled law that dismissal of an application under section 25 of the Guardians & Wards Act does not bar an application for visitation rights under section 12 of said Act.

The other objection taken by learned counsel is that the application under section 12 of the Guardians & Wards Act was not maintainable as it was filed by the Respondent through an Attorney and not directly. Admittedly, the Respondent resides abroad and has appointed an Attorney for legal

proceedings in Pakistan by executing a Power of Attorney. Learned counsel does not cite any provision of law that debars him from doing so.

Therefore, both objections taken by learned counsel to the impugned orders have failed. There is no reason to interfere with the impugned orders in writ jurisdiction. The petition is therefore dismissed *in limine*.

JUDGE

Hafiz Fahad