

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

C.P. No.S-156 of 2026

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders on office objection.

For hearing of main case.

04.05.2026

Mr. Ghulam Rasool Mallah advocate for petitioner along with petitioner.

Mr. Rafique Ahmed Dahri, Additional A.G. Sindh along with SIP Bahadur Ali Larak PS Gambat.

Comments filed on behalf of respondent No.4 and reply to show-cause notice by respondent No.5 are taken on record.

Mr. Imtiaz Ali Channa advocate files Vakalatnama on behalf of respondent No.7, taken on record.

Through the instant petition, the petitioner contended that she was previously married to respondent No. 7, out of which wedlock two minors, namely Mehdi Hassan and Hasnain, were born. The said marriage was dissolved on 12.01.2025, where after the petitioner duly observed the prescribed period of iddat. Subsequently, she entered into a marriage of her own free will with one Niyaz Ali on 17.08.2025. It is further contended by the petitioner that during the pendency of a Family Suit instituted by her for maintenance of the minors, respondent No. 7, on 31.12.2025, unlawfully and forcibly took away the minor Mehdi Hassan and has since been detaining him in illegal custody.

Today, respondent No. 7 produced the minor Mehdi Hassan before this Court. Upon direction, respondent No. 7 was asked to hand over custody of the minor to the petitioner. However, the minor categorically refused to accompany the petitioner; he avoided interaction with her and raised cries, indicating unwillingness to go with her.

In view of the above circumstances, particularly considering that the dispute pertains to the custody and welfare of a minor, which squarely falls within the jurisdiction of the Guardian & Wards

Court and custody of the minor with his father cannot be termed to be illegal, as such, this Court is not inclined to exercise constitutional jurisdiction in the matter. The appropriate remedy lies before the competent Guardian Court, where questions of custody can be adjudicated upon after recording evidence and considering the welfare of the minor as the paramount consideration. Accordingly, the petition is **dismissed**. However, the petitioner is at liberty to avail appropriate remedy before the Court of competent jurisdiction, if so advised.

JUDGE

Abdullah Channa/PS