

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No. 364 of 2022

Mst. Saima Sultana

Versus

Muhammad Shahid and others

| S. No. of order/ proceedings | Date of order/ Proceedings | Order with signature of Judge and that of parties or counsel where necessary. |
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03.02.2022 Mr. Muhammad Islam Sandhu, Advocate for the petitioner.

The petitioner, mother of the minor girl, questions the interim order dated 15.12.2021 whereby the learned Judge Family-Guardian Court allowed the father and the paternal grandmother to have custody of the minor from 10 AM to 4 PM on the first and third Sunday of each month and to return the minor to the mother's house on the same day. The father lives and works in Saudi Arabia.

2 The petitioner's counsel both in the memo of petition and during arguments has advanced vague concerns about strangers living in the house with the grandmother and the safety of the minor, and that the grandmother has pain in the knee joints. As for the latter objection, the grandmother is not expected to go jogging with the minor. As for the former objection, it is not credible as in our society strangers don't live with families. Further, the law imposes a duty of care on the grandmother to ensure the safety and care of the minor when with her.

3 I find no illegality or impropriety in the impugned order. The law is settled that regular contact with grandparents is consistent with the welfare of the minor and that the Court premises are not appropriate places for visitation rights (*Mst. Fatima Ali and another vs. Mst. Rubina Ehtesham and 4 others*, 2018 Y L R 1891).

4 However, in order to address the apprehensions of the petitioner, the impugned order is supplemented to add that:

- i) the grandmother shall herself pick and drop the child from and to the mother's house. If she can't do so, she will ensure that only a blood relative authorised by the grandmother shall pick and drop the child. When in Pakistan, the father will himself pick and drop the child; and
- ii) the grandmother/father shall not allow the child left unattended at any time nor left alone in the company of any other male member of the household. Any outdoor activities will be in the company and under the sight of the grandmother or the father when in Pakistan.

5 This petition is accordingly disposed of.

(SARDAR EJAZ ISHAQ KHAN)
JUDGE

Imran