

## **ORDER SHEET.**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**

**Writ Petition No.2383/2021**

Ahmed Bilal.

***Versus***

Khurram Javed & others.

<b>S. No. of order/ proceedings</b>	<b>Date of order/ Proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
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(06)

21.12.2021

Mr. Muhammad Waqas Ali Malik, Advocate for the petitioner.  
Raja Yasir Shakeel and Mr. Muhammad Amir Naeem, Advocates for respondents No.1 & 2.  
Ms. Hadiya Aziz, Advocate (Amicus Curiae).

I have heard the learned Amicus Curiae (Ms. Hadiya Aziz, Advocate). This Court has asked her to provide further assistance in relation to the respective rights and responsibilities under the Muslim Family Laws Ordinance, 1961, for purposes of guardianship and the rights and responsibilities for purposes of custody and to identify any overlap that might exist to see whether or not elaborate visitation plan can be treated as joint custody under the jurisprudence that has evolved in Pakistan in relation to guardianship and custody matters. This Court has further asked her to assist this Court as to whether the State is under an obligation to provide for the welfare of a minor child to the extent that no relatives are able to provide such assistance and otherwise to assist this Court on the responsibility of the State to assume

responsibility for the financial needs and welfare of a minor. And further whether the State can be obliged to ensure that expertise of psychologists and psychiatrists, to determine the welfare of children, is made available to the Courts that are deciding guardianship and custody matters.

2. Let notice be issued to the Chief Commissioner, ICT, to also assist this Court on the last question as to whether it is for his office to provide the requisite financial resources and make arrangements to ensure that professional expertise is available to Guardian Courts when they deem it necessary to assist them in making custody decisions in relation to minors.

3. The office is directed to send a copy of this order to the Chief Commissioner, ICT, who will ensure that a report is presented before this Court before the next date of hearing and his office is represented through counsel to assist this Court.

4. Let notice also be issued to Advocate General Islamabad to assist with this question of law.

5. Let the matter be fixed for 07.02.2022.

**(BABAR SATTAR)**  
**JUDGE**