

Form No: HCJD/C-121.

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

W.P. No. 1092 of 2020

Mst. Amaida Zohaib  
Vs  
Zohaib Waqas, etc.

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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27-04-2020. Mr. Mushtaq Ahmed Mirza, Advocate for the  
petitioner.  
Ch. Naeem Ali Gujjar, Advocate for respondent  
no.1  
Mr. M. Atif Khokhar, State Counsel.

Through this petition the petitioner has  
assailed order dated, 14.03.2020, passed by  
the learned Additional Sessions Judge-IV, East  
Islamabad.

2. The facts, in brief, are that the  
petitioner and respondent no.1 had entered  
into a marriage contract from which two  
minors, namely Abdul Nafay and Ahmed Raza,  
aged four years and three months  
respectively, were born. The parties  
developed marital differences and, therefore,  
the petitioner shifted to the house of her  
father. It was alleged by the petitioner that

on 29.02.2020 respondent no.1 forcibly took away one of the minors, namely Abdul Nafay. She filed a petition under section 491 of Criminal Procedure Code, 1898. The said petition was dismissed by the learned Additional Sessions Judge, Islamabad vide the impugned order, dated 14.03.2020.

3. The learned Counsel for the petitioner has been heard at length. The dispute between the parties is regarding custody of one of the minors, namely Abdul Nafay. The latter was observed by the learned Judge who has passed order, dated 14.03.2020, and pursuant thereto the latter had assessed that it was in the welfare of the minor to remain in the custody of respondent no.1. The learned Court has also observed that the petitioner shall be at liberty to seek custody of the minor in the manner provided under the law. The learned counsel for the petitioner, despite his able assistance, was not able to satisfy this Court that the impugned order suffers from any legal infirmity or that the learned Court had exercised its discretion in an arbitrary or fanciful manner requiring interference while exercising jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.

4. For the above reasons, this petition is without merit and, therefore, accordingly dismissed.

*(CHIEF JUSTICE)*

Saeed.