

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

W.P. No.3929-2018

Siyal Khan

Vs.

Mst. Sadia Fageer etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	07.09.2021	Hafiz Farman Ullah, Advocate for petitioner. Ch. Adnan Qamar, Advocate for respondents No.1 to 5.

The petitioner and respondent No.1 were married and out of the wedlock, four children namely respondents No.2 to 5, were born. The petitioner was based overseas and upon his return, learnt that respondent No.1 has filed a suit for dissolution of marriage. The said suit was decreed, however, the petitioner filed an application before the Guardian Judge seeking custody of the minor children and in this behalf, custody of two minors (respondent No.2) and (respondent No.4) was granted by respondent No.7 vide judgment dated 25.01.2018; appeal was preferred by respondent No.1 against the said judgment and decree which was allowed vide judgment dated 25.09.2018 and custody of the referred children was granted to respondent No.1, hence the petition.

2. Learned counsel for the petitioner *inter alia* contended that custody of respondent Nos.2 to 5 ought to have been granted to the petitioner as being the natural guardian he is entitled to the same. When confronted as to the legal infirmity or jurisdictional error in the impugned judgment,

learned counsel for the petitioner was unable to point out any.

3. Learned counsel for respondent Nos.1 to 5 submitted that maintenance was awarded to respondents but petitioner has not paid a single penny. Learned counsel for the petitioner was confronted in this regard and he expressed that he is not in contact with his client.

4. Arguments advanced by learned counsel for the parties have been heard and the documents, placed on record, examined with their able assistance.

5. The facts, leading to filing of instant petition, have been mentioned hereinabove therefore need not be reproduced.

6. Learned counsel for the petitioner was unable to point out any legal infirmity in the impugned judgment. The learned appellate court, while allowing appeal of respondent No.1, has cogently spelt out the reasons for handing back custody of respondent Nos.2 to 4 to respondent No.1; no exception can be taken to the referred reasons and reliance placed on the judgment reported as in case 'Mst. Nazli Vs. Muhammad Ilyas' (2010 MLD 477).

7. Since the impugned judgment does not suffer from any legal or jurisdictional error, instant petition is without merit.

8. For the above reasons, instant petition is dismissed.

**(AAMER FAROOQ)**  
**JUDGE**

