

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

W.P. No.4680-2021

Mst. Qaiser Sultana & Another

Vs.

Muhammad Sohrab Abbasi 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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03.01.2022	Malik Mushtaq Ahmad, Advocate for petitioners.
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Through the instant petition, the petitioners have challenged orders dated 18.06.2021 and 16.11.2021 passed by respondents No.3 & 2 respectively.

2. Learned counsel for the petitioners *inter alia* contended that the learned Guardian Judge as well as learned appellate court has granted the custody of the minor daughter Hifza Bibi to respondent No.1 on account of the fact that petitioner No.1 namely Mst. Qaiser Sultana has contracted marriage after divorce by respondent No.1. It was contended that sole criteria, before the courts, ought to have been welfare of the minor, whereas issue has been decided erroneously. Reliance was placed on cases reported as ‘Mst. Naseem Akhtar Vs. Nazir Hussain and others’ (2020 CLC 1900) and ‘Mehmood Akhtar Vs. District Judge, Attock and 2-others’ (2004 SCMR 1839).

3. Let notice be issued to respondent No.1.

CM No.01-E-2021

4. The exemption sought for is allowed, subject to all just and legal exceptions.

CM No.02-2021

5. Notice for an early date.

(AAMER FAROOQ)
JUDGE

Zawar