

**ORDER SHEET.**

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

**JUDICIAL DEPARTMENT.**

**Crl. Org. No. 72-W/2020**

Naveed Abdul Wahid

***Versus***

Mona Wahid.

<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>
	05.05.2020	Sardar Shabbir Hussain, Advocate alongwith petitioner. Respondent/Mona Wahid in person.

Through this criminal original petition, the petitioner has prayed for initiation of contempt of Court Proceedings against the respondent for non-compliance of order dated 10.10.2019 passed by this Court in W.P. No. 1686/2019, whereby, the visitation schedule was settled in the following manners: -

*"Respondent father will take the minor son from the petitioner on Friday after school hours till Sunday evening upto 6.00 p.m (2<sup>nd</sup> and 4<sup>th</sup> week) of every month, and on (1<sup>st</sup> & 3<sup>rd</sup> weekend) minor son will be with his mother/petitioner".*

2. Learned counsel for petitioner contends that the petitioner has also approached the learned Guardian Court/Senior Civil Judge (West), Islamabad, but his visitation schedule with the minor has not been adhered and respondent/mother is creating hurdles in the visitation, which was agreed between the parties, before this Court.

3. Conversely, respondent/mother put appearance and contends that she has no objection upon the visitation schedule, as the same was agreed by her, however, due to COVID-19 Pandemic, the life of the minor will be endanger, if he would be sent for visitation outside the house. She further contends that learned Guardian Court/Senior Civil Judge (West), Islamabad, has also acknowledged the same

position in his order dated 28.03.2020 and as and when the COVID-19 Pandemic is over, the visitation schedule would be resumed in the manner agreed by the parties before this Court, as mentioned in order dated 10.10.2019.

4. Arguments heard, record perused.

5. Perusal of record reveals that both the parties have settled their visitation issue vide order dated 10.10.2019 passed by this Court in W.P. No. 1686/2019 titled **(Mona Wahid Vs. Additional District Judge (West), Islamabad etc)** however, the visitation has been disturbed due to COVID-19 Pandemic and matter was also highlighted before the learned Guardian Court by the present petitioner/father of the minor/Naveed Abdul Wahid. Learned Guardian Court vide order dated 28.03.2020 verifies that all the proceedings and visitation schedules in the Courts have been suspended vide Circular No. 9428/Genl./IHC issued by Islamabad High Court on 16.03.2020 and only urgent nature cases shall be scheduled due to outbreak of the pandemic. Learned Senior Civil Judge (West), Islamabad has submitted a report to that effect, which reveals that matter is fixed for 09.06.2020.

6. While considering the above background, this Court is mindful of the fact that COVID-19 Pandemic situation prevails and Government of Pakistan has imposed lockdown, due to which normal day to day working of the Courts is also not in order and if the applicant is allowed to take the minor from the house of respondent/mother, it might result in to horrible situation and the same could effect the health of the minor and he could be exposed to risk of COVID-19.

7. Keeping in view the above situation, instant criminal original petition stands **disposed of**, with direction

to the learned Senior Civil Judge (West), Islamabad to restore the visitation schedule, subject to policy of the Federal Government regarding COVID-19 pandemic in the light of future circular/orders of Islamabad High Court. As and when the situation is improved and the lockdown is withdrawn by the Federal Government or Islamabad High Court issues new circular regarding resumption of Courts' working, the respondent/mother has to comply with the visitation schedule in letter and spirit, however, till then applicant/father is not allowed to call the police or to visit the respondent's house in any manner, rather he can only contact respondent/mother through telephone or Whatsapp in order to talk to his son through video link or through any other service. Respondent/mother shall arrange such video link contact of father and son at her end, by all means.

8. Office is directed to convey the orders of this Court through telephonic mode on the numbers provided by the parties to the Reader of this Court and shall also transmit copy of this Court through Whatsapp service on their numbers, so that parties shall not visit the Court, unnecessarily.

**(MOHSIN AKHTAR KAYANZI)**

**JUDGE**

*Khuram*