

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.4607/2021

Sania Shahzad.

Versus

The Deputy Commissioner, Islamabad & others.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(01)	28.12.2021	Ms. Shagufta Jabeen Malik, Advocate for the petitioner.

The petitioner is aggrieved by inaction of respondent No.4 in taking responsibility of his child and the inaction of respondents No.1 & 2 in discharging the State's obligation to take care of a minor in relation to his right to life under article 9 of the Constitution if the parents are unable to do so.

2. The learned counsel for the petitioner states that the petitioner was forcefully married with respondent No.4 and after the marriage respondent No.4 mistreated her during the last one year. She states that the petitioner has also filed a suit for dissolution of marriage. That during the pendency of the suit a child has been born. She further states that given that respondent No.4, as the father and natural guardian of the child, is refusing to take care of the child and the petitioner, as a mother of the child, is also unable to do the same. That it is the

responsibility of the State to take care of the child and ensure his rights under article 9 of the Constitution.

3. Let notices be issued to respondents No.1 to 3 for 10.01.2022. Let notices also be issued to the office of the Attorney General for Pakistan under Order XXVII-A of CPC and the office of the Advocate General Islamabad, to assist this Court with regard to the obligation of the State in relation to a child in the event that the natural parents of a child refuse to take care of such child or are unable to do so. The petitioner shall deposit the requisite fee for issuance of the notices in the office within a period of three days.

C. M. No. 01/2021

Exemption sought for is allowed subject to all just and legal exceptions.

**(BABAR SATTAR)
JUDGE**