

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

W.P. No.4432 of 2019  
Sanna Aizad  
Versus  
Imtinan Ahmed and another

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	13.01.2020	Dr. Babar Awan, Advocate for the petitioner. Mr. Saad Ahmad Rajpoot, Advocate for respondent No.1.

Through the instant writ petition, the petitioner, Sanna Aizad, seeks the implementation of the judgment dated 24.09.2018 passed by the learned Guardian Judge, Islamabad.

2. The record shows that vide judgment dated 24.09.2018, the learned Guardian Judge had given custody of the minor (Waliyaan Ahmad) to his father/respondent No.1. In the said judgment, it was directed that respondent No.1 *"will not discontinue the studies of the minor in the school in which he has been studying right now"*. Writ petition No.744/2019 against the said judgment was dismissed by this Court vide judgment dated 24.07.2019. However, the observations made by the learned Guardian Judge that the petitioner would not be entitled to the permanent custody of the minor on her return to Pakistan were set-aside by this Court. The said judgment dated 24.07.2019 was upheld by the Hon'ble Supreme Court vide order dated 22.08.2019 passed in civil petition No.2963/2019. In the said order, it was observed that there was nothing on the record to show that respondent No.1 would disturb the ongoing school attendance of the minor.

3. Regardless of the above-mentioned direction passed by the learned Guardian Judge as well as the observation of the Hon'ble Supreme

Court, respondent No.1 has changed the minor's school by admitting him in Roots IVY School in Chaklala Scheme-III, Rawalpindi. This act on respondent No.1's part, according to the learned counsel for the petitioner, amounts to contempt of Court. The petitioner has already filed a petition for contempt of Court before the learned Guardian Judge. Since the said petition is still pending adjudication, it would not be appropriate for me to express my views on respondent No.1's conduct in changing the minor's school.

4. Learned counsel for the petitioner, after narrating the facts leading to the filing of the instant petition, submitted that respondent No.1 ought to be directed to re-admit the minor in his old school at Islamabad; and that by changing the minor's school, respondent No.1 has committed gross contempt of Court.

5. Learned counsel for respondent No.1 tried to justify the change in the minor's school by submitting that such change would not subject the minor to a long travelling distance given the fact that respondent No.1 lives very close to the minor's new school. He also submitted that respondent No.1 shall not object the jurisdiction of the learned Guardian Judge at Islamabad in adjudicating upon the guardianship/custody petition filed by the petitioner.

6. I have heard the contentions of the learned counsel for the contesting parties and have perused the record with their able assistance.

7. The facts leading to the filing of the instant petition have been set out in sufficient detail in paragraphs 2 and 3 above, and need not be recapitulated.

8. Since a direction had been given by the learned Guardian Judge to respondent No.1 not

to discontinue the minor's studies in the school in which he had been studying, and since the petitioner has already filed a petition for contempt of Court against respondent No.1 for changing the minor's school, it would not be appropriate for this Court to issue further directions to either party lest it may prejudice the proceedings before the learned Guardian Judge which is to decide the petition for contempt of Court as well as the petition for guardianship/custody filed by the petitioner on their own merits.

9. In view of the above, the instant petition is disposed of with the expectation that the learned Guardian Judge may decide the pending petitions expeditiously.

**(MIANGUL HASSAN AURANGZEB)**  
**JUDGE**

Ahtesham\*