

Form No: HCJD/C-121.

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.2650 of 2019

Tipu Sultan Khan

VS

Shagufta Sultan and another

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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**18.07.2019. Mr. Habib ur Rehman Chohan, Advocate
for the Petitioner.**

Through the instant petition, the
Petitioner seeks direction to respondent No.1
to produce his minor children.

2. The facts, in brief, are that the
petitioner is married to respondent No.1 and
out of wedlock a child was born. Due to
differences between the parties, the
relationship went sour. In the referred
backdrop, respondent No.1 filed an application
under Section 491 Cr.P.C seeking possession
of the minor child, which was granted by
learned Additional Sessions Judge, Islamabad.
After the same, the petitioner filed an
application under Section 491 Cr.P.C against
respondent No.1, which was dismissed.
Meanwhile, an application was also filed by
the petitioner under Sections 25 and 12 of
Guardian and Wards Act.

3. Learned counsel for the petitioner, *inter-alia*, contends that the petitioner has not seen his child for long, hence respondent No.1 be directed to produce him. It was further contended that though proceedings under Guardian and Wards Act are pending, since the Courts shall be closed, therefore, it is desirable that an order under Section 491 Cr.P.C. be passed.

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

5. Admittedly, the proceedings before the Family Court under the Guardian and Wards Act are pending between the petitioner and respondent No.1. The petitioner, if desire to see his child, can always make an application seeking the said relief. The order passed by respondent No.2 does not suffer from any error of law or jurisdiction.

6. For the above mentioned reasons, the instant petition is without merit and is ***dismissed in limine.***

(AAMER FAROOQ)
JUDGE