

ORDER SHEET

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

W.P. No. 2196/2020

Azra Bibi

Versus

Mumtaz Begum and others.

S. No. of order/ proceeding	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(05)	15.09.2020.	Petitioner in person. Rai Abid Ali Kharal, Advocate for Respondent No. 1. Ms. Shahida Perveen Sukhera and Ms. Maimna Khattak, Advocates for Respondent No. 2. Raja Muhammad Aftab Ahmed AAG. Mr. Muhammad Atif Khokhar, State Counsel. Mudassar Altaf, Deputy Director, M/o Human Rights. Romana Gul, Law officer, Family Protection and Rehabilitation, M/o Human Rights. Sidra Anwar, Assistant Commissioner, Shalimar, Islamabad. Nimra in person (<i>alleged abductee</i>). Mehmooda Bibi, Grandmother (Maternal). Abid, Uncle (Mamoo). Akram, S.I. Ambreen Kiani, Lady Head Constable.

This petition has been filed for recovery of alleged abductee (Nimra Bibi), from the illegal custody of respondents No. 1 to 3.

02. Pursuant to notice, the respondents No. 1 to 3 put appearance alongwith alleged abductee, who was sent to Dar-ul-Aman on two occasions vide orders dated 24.08.2020 and 27.08.2020, respectively.

03. Today, the detenu/Nimra Bibi has been produced before this Court from Dar-ul-Aman who has been interviewed by this Court and her statement has also been recorded to consider her willingness, which reveals that the age of minor/Nimra Bibi is 16 years and 05 months (D.O.B. 01.04.2004). At present, it appears that there is a dispute between petitioner (real mother of detenu/Nimra Bibi) and Respondent No. 2/Mehmooda Bibi, maternal grandmother (Nani) of the alleged minor/Nimra Bibi, who is presently living in Karachi and present before this court. The minor was sent to

Dar-ul-Aman on two different occasions in order to obtain her free will even the parties were directed to meet with the alleged abductee for her counseling. There is no denial that the alleged Nimra Bibi is *sui juris*.

04. Nimra Bibi (detenu) categorically stated before this court that she intends to live with her maternal grandmother (*Nani*) and requests that she may be allowed to go to Karachi with her grandmother (Mehmooda Bibi/Respondent No. 2) instead of her mother i.e. the petitioner, she has also referred certain instances due to which she is not comfortable and feels insecure while living with her mother.

05. In view of the above referred situation and circumstances, Mehmooda Bibi/respondent No. 2 is directed to submit undertaking that she will take care of Nimra Bibi and will also be responsible for her safety, protection and other obligations by all means. At this stage respondent No. 3 Mr. Abid, real uncle (*Mamoo*) who is also present before the Court is directed to submit his undertaking to provide the due protection, safety to Nimra Bibi at Karachi. The needful has been done.

06. Law officer, Family Protection and Rehabilitation centre, M/o Human Rights has also been consulted in this situation who contends that in Islamabad Capital Territory shelter homes are available to provide shelter to family/women who are willing to live there, whereas, the minors have to be taken care in the child protection centers separately. However, she states that if Nimra Bibi is not willing to go with either party, Shelter Home can provide due protection to her during her stay.

07. In view of above, there is no need to transfer Nimra Bibi to Dar-ul-Aman or Shelter Home, as she has already

expressed her willingness, hence, instant W.P. stands **dismissed**. The alleged detenu Nimra Bibi is at liberty to stay with her maternal Grandmother (*Nani*) and Uncle (*Mamoo*) i.e. respondent No. 2 & 3, respectively. Both the respondents (Mehmooda Bibi/maternal Grandmother (*Nani*) and Abid/*Mamoo*) are directed to provide due protection to Nimra Bibi in all respect while living at Karachi.

(MOHSIN AKHTAR KAYANI)
JUDGE

Bilal