

Form No: HCJD/C-121
ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.2671 of 2021

Syeda Ammara Shahryar.

VS

Muhammad Shaharyar Khan and 05 others.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
08.	17.11.2021	Petitioner in person. Syed Irfan Ali, Advocate for respondent No.1. Mr. Abdullah Haroon, Advocate / proxy counsel for respondent No.2. Ch. Fayyaz Hussain Dhariwal, learned Assistant Attorney General. M/s Ubaid ur Rehman and Umer Ali Khan, Law Officers, NADRA. Qaiser Masood, Additional Director Law / Deputy Legal Advisor, F.I.A. HQ. Islamabad. Abu Bakar Usman, A.D. / Incharge, F.I.A. Immigration Airport, Islamabad. Khadim Ahmed, Authorized Officer. Ibrar Hussain, S.I., Police Station Golra Sharif, Islamabad.

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Brief facts of the case are that
minor daughter namely Rooh Ali Khan, aged
about sixteen years and minor son namely
Muhammad Jibraeel Ali Khan, aged about
twelve years, have illegally and forcibly been
removed from custody of the petitioner /
mother of the minors by respondent No.1 /

father of the minors for last more than two years.

2. The petitioner / mother has filed a petition before learned Judge Family Court, Islamabad but the respondent No.1 / father has neither tendered appearance nor produced the minors.

3. The petitioner / mother filed the instant writ petition for recovery of the minors / daughter and son from the illegal and improper custody of respondents No.1 and 2.

4. The addresses of respondent No.1 / father and respondent No.2 / sister of respondent No.1 are mentioned in writ petition as House No.111, Street No.81, Sector E-11/2, Islamabad, this Court directed the S.H.O., Police Station Golra Sharif, Islamabad to effect service of notice and to ensure the presence of respondent No.1 / father of the minors in this Court positively vide order dated 27.07.2021, the S.H.O.,

Police Station Golra Sharif, Islamabad submitted a report that respondent No.1 / father was not residing on the said address, whereas sister of respondent No.1 was residing there.

5. Learned counsel for respondent No.2 / sister of respondent No.1 appeared in the Court, he was directed to provide correct address of respondent No.1 / father otherwise F.I.R. will be registered for kidnapping / missing of the minors, Director F.I.A. was also directed to depute Deputy Director of Immigration Wing to provide the travelling history of respondent No.1 / father.

6. On 14.09.2021, Assistant Director, Immigration F.I.A., appeared in the Court and stated that as per record of Islamabad Airport, respondent No.1 / father has departed alongwith minors to U.A.E. on Flight No.EK-613, dated 25.10.2019. Learned counsel for respondent No.2 / sister of respondent No.1 also stated that respondent

No.1 / father of the minors is residing in Turkey and provided his address and cell number.

7. Office was directed to issue notice to respondent No.1 / father of the minors with the direction to appear in person or through counsel on the next date of hearing i.e. 14.10.2021 through DHL, FedEx, TCS, telephonic message on the number provided by respondent No.2 / sister of respondent No.1 as well as through Embassy of Pakistan in Turkey.

8. On 14.10.2021, Syed Irfan Ali, Advocate has appeared on behalf of respondent No.1 / father of the minors and submitted that he has not received *Wakalatnama* and requested for an adjournment for filing *Wakalatnama* / power of attorney on behalf of respondent No.1 / father of the minors.

9. On 01.11.2021, learned counsel for respondent No.1, Syed Irfan Ali, did not

appear. Office was directed to issue notice for his appearance, notices to S.H.O., Police Station Golra Sharif, Islamabad, Deputy Director (Immigration), F.I.A. and Deputy Director (Operation), NADRA were also issued.

10. Today learned counsel for respondent No.1 / father of the minors appeared, he is directed to produce the minors but states that he intends to file report and parawise comments to contest the instant petition on the point that the matter is pending before Judge Family Court, Islamabad, minors are abroad, hence this Court has no jurisdiction.

11. The petitioner / mother of the minors has neither seen her minor children nor talked to them since last more than two years. She even did not know their whereabouts, they were alive or not, by the efforts of this Court, their whereabouts have been traced.

12. The petitioner / mother has provided the text of SMS messages, wherein respondent No.1 / father of the minors has issued threats of life and dire consequences to the petitioner / mother of the minor children.

13. Hence in the interest of justice, following directions are issued:-

- i. Director General, F.I.A. is directed to cease / attach all the bank accounts of respondent No.1 in Pakistan and abroad, also to place his name on Exist Control List (ECL).
- ii. Chairman, NADRA is directed to block the C.N.I.C. of respondent No.1 / father of the minors.
- iii. Director General (Passport and Immigration), Islamabad is directed to block the passport

of respondent No.1 / father of the minors.

- iv. S.H.O., Police Station Golra Sharif, Islamabad is directed to register the F.I.R. for abduction of the minors from lawful custody of the petitioner / mother and to conduct investigation under the supervision of S.S.P. (Investigation), Islamabad.

14. Director General, F.I.A., Chairman, NADRA, Director General (Passport and Immigration) and S.S.P. (Investigation), Islamabad are directed to furnish compliance report of this order in writing within a period of ten days positively.

15. Re-list on **29.11.2021**.

(TARIQ MEHMOOD JAHANGIRI)
JUDGE