

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P No.1259/2019.

Mst. Raiya Hammad

Versus

Hammad Hussain etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
------------------------------	----------------------------	---

17.09.2019 Petitioner in person.
Respondent No.1 in person.

Petitioner in person contends that her counsel was available in the early hours of the day and later on left the Court for his medical checkup.

2. The petitioner has been confronted with the order dated 06.03.2019, passed by learned Family/Guardian Judge, Islamabad as to why the said order has been assailed in the instant writ petition as the same is an interim order, whereby she contends that she is mother of two minors namely Muhammad Affan Butt aged 2 years 10 months and Muhammad Abdullah Butt aged 1½ year and respondent No.1/father filed custody petition U/S 25 of Guardian & Wards Act, 1890 and during the proceedings before learned Guardian Judge restriction has been imposed upon her not to remove the minors beyond the territorial jurisdiction of Islamabad without due permission.

3. The petitioner has also been confronted as to whether she is living outside the territorial jurisdiction of Islamabad or she is working outside Islamabad, whereby she contends that she is permanently residing in Islamabad in Sector F-6/1, Islamabad alongwith the minor with her parents and as such neither she has intention to remove the minors from territorial jurisdiction of Islamabad nor going abroad but due to restriction of Guardian

Court she is unable to visit her paternal and maternal family members in Kallar Syedan as well as District Rawalpindi, which persuaded her to challenge the said order through instant writ petition.

4. Conversely, respondent No.1 in person contends that he has no objection on visit of the petitioner alongwith the minors to her native village Kallar Syedan and District Rawalpindi, however, she will not remove the minors and deprive him from his right of visitation.

5. Keeping in view above position, the grievances of the petitioner and respondent No.1 have been redressed. Therefore, instant writ petition stands disposed of in above terms and the order dated 06.03.2019, passed by Family/Guardian Judge, Islamabad is modified. The petitioner/mother is at liberty to visit her parents and family members living in Kallar Syedan and District Rawalpindi with her free will as and when she likes. If the petitioner intends to shift from territorial jurisdiction of Islamabad permanently for the purpose of job or settlement, she shall obtain permission from the learned Family/Guardian Judge and this condition shall cease to exist on passing of the final judgment in the custody petition filed by respondent No.1.

(MOHSIN AKHTAR KAYANI)
JUDGE

R.Anjam