

(6)

COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER-MELA

05/3 FL Case Title: Laal Khara Jan vs Sehrish Begum

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 09	24.01.2024	<p>Parties through their respective counsel present. Arguments on the application for rejection of petition heard.</p> <p>According to the petitioner, the respondent is residing along with minors at Karachi and therefore this court has got no jurisdiction to entertain the instant petition for custody of the minors.</p> <p>Counsel for the main petitioner (respondent) argued that petitioner as well as the respondent are the permanent residents of district Orakzai and the court at Orakzai has got jurisdiction.</p> <p>After hearing of arguments available record perused which shows that petitioner Mst. Khaira Jan has filed the instant petition for custody of minors against Mst. Sehrish Begum, who is real mother of the minors and admittedly as per order of the Hon'ble of Peshawar High Court, Peshawar Dated: 08.11.2023 in writ petition No. 4417-P/2023, the minors are in custody of the respondent Mst. Sehrish Begum. The present address of Mst. Sehrish Begum has been entered by the petitioner herself as Shaheen Complex Flats Peshawar Cantt Peshawar and on the same address, notice was issued to respondent through Senior Civil Judge, Peshawar and the same was duly served and whereafter the respondent appeared through her counsel Noor Karim Khan advocate. The mentioning of present address of the respondent by the petitioner in her petition is admission of her residence at Peshawar. The instant petition has been filed for guardianship/custody of minors; therefore, u/s 09 (1) is relevant which is reproduced as under;</p>

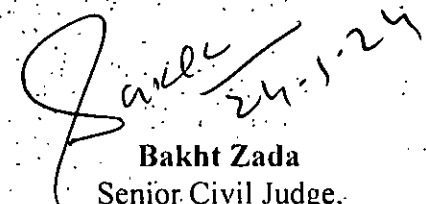
24.1.24

BAKHT ZADA
Senior Civil Judge/JM
Orakzai at Baber Mela

(7)

COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

05/3
Case Title: Laal Khosa Jan vs. Sehrish Begum

Order No. 09 continued	24.01.2024	<p><i>"If the application is with regard to the guardianship of the person of the minor, it shall be made to the district courts having jurisdiction in the place where the minor ordinarily resides"</i></p> <p>In the present case, although the respondent has alleged in her application for rejection of main petition that she is residing along with minors at Karachi, but the petitioner herself has written the address of the respondent pertaining to district Peshawar. In both the cases, the main respondent is out of the territorial jurisdiction of this court; therefore, the instant petition is hereby ordered to be returned to the petitioner for filing the same before the proper forum under the law. Muharrir is directed to do the needful.</p> <p>Case file be consigned to the record room after its completion and compilation.</p> <p><u>Announced</u> 24.01.2024</p> <p style="text-align: right;"> Bakht Zada Senior Civil Judge, Orakzai (at Baber Mela)</p>
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