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THE COURT OF ADDITIONAL SESSIONS JUDGE ORAKZAI, AT BABAR MELA

Cr. Miscellaneous Application No.25/4 Of 2022

Umar Bibi vs Muhammad Umar etc.

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	22/09/2022	<p>Petitioner Mst: Umar Bibi along with her father Syed Malang present. Respondent No.3 Muhammad Usman also present in person. Process Server Naimat produced minors Mst Samrina Bibi, Mst Umaira Bibi and Naeem Khan before the court today and submitted his report.</p> <p>2. The petitioner submitted application u/s 491 Cr.PC wherein it was contended that she had been married to respondent No.2, that her husband is abroad, that the respondent No.3 (Brother of her husband) kicked her out of his home forcibly and now she is residing with her parents, that the minors were retained by the respondent who cannot take care of the minors being irrelevant, that all of the minors are of tender age and retaining such children from the mother is a cruel act of the respondent. The petitioner submitted in her application that all the minors may be recovered and may be handed over to the petitioner.</p> <p>3. The contention of the petitioner was deemed genuine; therefore, the bailiff was directed to visit the house of respondent and produce the minors named above before the court. Today, the process server produced the minors before the court and both the parties also appeared before the court in persons.</p> <p>4. The respondent stated before the court that the petitioner left her home with her free will and consent and also left the minors with him. The respondent further stated that the petitioner was asked to take the minors but she refused. The respondent stated that he has not retained the minors with him forcibly rather the petitioner left them behind. The respondent stated that he has got no objection if the minors are handed over to petitioner being mother of the minors and stated that the petitioner shall be responsible to take proper care of the minors. Lap of the mother is a</p>

SAYED FAZAL WADOODI
Addl. District & Sessions Judge
Orakzai at Hangar

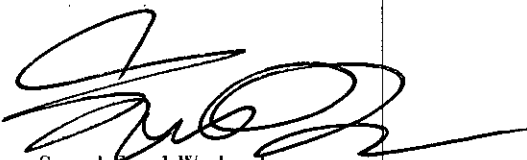
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heavenly place and she has inherent right to keep her children close to her bosom and rear them up under her umbrella (2009 YLR 1678). Therefore keeping in view the stance of respondent and age of all the minors who needs proper care and love of their mother, the minors namely Mst Samrina Bibi, Mst Umaira Bibi and Naeem Khan are handed over to the petitioner in the court. The petitioner was directed to submit surety bond in the sum of Rs. 100,000/- to the effect that when the minors are required to the court the petitioner shall produce them which she submitted and placed on file. The respondent is at liberty to knock the door of competent jurisdiction for the proper custody of minors and the custody of minors may be decided in accordance with law keeping in view the welfare of minors.

5. In view of the above discussion the petition in hand is disposed of accordingly.

6. File of this Court be consigned to record room after its necessary completion and compilation.

Announced in open Court
22-09-2022


Sayed Fazal Wadood,
AD&SJ, Orakzai at Baber Mela