

(4)

IN THE COURT OF ABDUL BASIT
ADDITIONAL DISTRICT & SESSIONS JUDGE-II/
JUDGE SPECIAL COURT, ORAKZAI

Case Title Sanata Bibi vs Zafar Khan etc.

Order---2

05.06.2024

Hamdan Shah, bailiff of the court, produced Mst. Maryam Bibi and Mst. Sara Bibi, the detinue/minors, in his protection. Bailiff submitted report of recovery of the detinue. The statement of bailiff of the court recorded accordingly.


Mst Sanata Bibi, mother of minors, the petitioner is present. No one turned up on behalf of respondents. Learned counsel for the petitioner and Deputy Public Prosecutor for the State are also present.

Petitioner and her counsel are heard.

From contents of the petition and arguments, it is clear that the detinue, minors girls i.e. Mst. Maryam Bibi of about 03 years and Mst. Sara Bibi of about 14 months, are the real daughters of the petitioner and Israil. Admittedly, petitioner is the natural guardian of the minors, whereas, as per contents of petition Israil, father of minors, is abroad; therefore, petitioner being mother and natural guardian of minors is entitled to retain the custody of her minor daughters as one of the detinue is of tender age/ suckling baby, who requires the round the clock attention, love and care for her subsistence. For these reasons, the detinue Mst. Maryam Bibi and Mst. Sara Bibi are handed over to the petitioner, their mother. The petitioner, however, is directed to ensure the proper care, look after the welfare and health of minors. In this respect statement of the petitioner is recorded accordingly. The instant custody order is interim in nature and does not finally conclude the custody issue. So, any person claiming to be entitled to the custody of minors is at liberty to approach the proper forum i.e. Guardian Judge/Family Court seeking the custody of minors if so wished or advised.

File consigned to record room after completion and compilation.

Announced
05.06.2024


Abdul Basit
Addl. District & Sessions Judge-II,
Orakzai