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Madiha Younus v. Imran Ahmed
(Mushir Alam, J)

1991

5. Vice Chancellor, the National University of Medical Sciences (NUMS) (Member);
6. Vice Chancellor, University of Health Sciences, Lahore (Member);
7. Vice Chancellor, Jinnah Sindh Medical University, Karachi (Member);
8. Vice Chancellor, Khyber Medical University, Peshawar (Member); and
9. Principal, Bolan Medical College, Quetta (Member);

The above Council will take over and run the affairs of the PMDC immediately and its first meeting shall be convened on 18.01.2018. The present registrar of PMDC shall continue to work."

[Note: Subsequently the Principal De'Montmorency College of Dentistry, Lahore, was added as the 10th Member of the ad hoc Council.]

MWA/P-7/SC

Order accordingly.

2018 S C M R 1991

[Supreme Court of Pakistan]

Present: Mushir Alam,
Faisal Arab and Sajjad Ali Shah, JJ

Mst. MADIHA YOUNUS---Petitioner

versus

IMRAN AHMED---Respondent

Civil Petition No. 39-K of 2018, decided on 3rd September, 2018.

(Against the judgment dated 6.12.2017 passed by High Court of Sindh, Karachi in C.P. No. S-2210 of 2017)

Guardians and Wards Act (VII of 1890)---

---S. 25---Custody of minors---Compromise/agreement between parents---Custody with mother---Visitation rights of father---Maintenance of minors---Comprehensive plan for custody, visitation rights and maintenance of minors, and obligations of both parents issued by the Supreme Court listed.

SCMR

Supreme Court issued the following comprehensive plan with regard to custody, visitation rights and maintenance of minors, and obligations of both parents:

- (i) Both the minors shall remain with the mother.
- (ii) On every alternate weekend minors may reside with the father, who shall pickup the minors from the house of the mother on Friday at about 8:00 p.m. late evening and shall drop the minors at the house of the mother on Sunday by 01:00 p.m. in the afternoon.
- (iii) During summer vacations the custody of the minors shall be handed over to the father on the 1st Sunday of the summer vacations so declared by the School/Government and shall be returned to the mother at evening on the 4th Sunday during the vacations so that minors may have four weeks to spent with their father
- (iv) Winter vacations were generally due from 21st December to 30th December. First week of the winter vacation shall be spent by the minors with their father and second week with the mother.
- (v) During Eid-ul-Fitr the minors shall celebrate Eid with their father from chand raat at 8:00 p.m. till second day of Eid upto 08:00 p.m.
- (vi) On Eid-ul-Adha the mother shall allow the minors to celebrate Eid with their father who shall pick the minors from the residence of mother on the second day of Eid-ul-Adha at 11:00 a.m. in the morning till 3rd day of Eid at 10:00 p.m. or earlier.
- (vii) Minors may spent alternate unscheduled holidays with their father from 10:00 a.m. to 08:00 p.m. in the evening.
- (viii) The father shall bear all expenses of the minors i.e. school fees, uniforms, van fees as well as other miscellaneous expenses as may be needed for the minors.
- (ix) In addition to such expenses the father shall also provide a sum of Rs.5,000/- per month for each minor for their other personal needs and requirements.
- (x) In case there was any family occasion for which the father desired and wished that his sons may also attend, he shall inform the mother who shall not unreasonably stop the minors from attending such family events and/or functions.

(xi) Both the minors may be prejudiced [p. 1993] A

Syed Ehsan R.

Ishaque Sathi,

Date of hearing

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the judgment dated 6
Karachi in C.P. No. 1
made as regards to m
4.11.2006) and Aasha

2. It appears that Imran Ahmed could not present unpleasant list of parties, present in counsel for the respondent terms and conditions is handed over to visitation rights to the mother-petitioner was given to him.

3. We appreciate the efforts made by the parties accordingly following

i) Both the minors Younus (mo

ii) On every alternate No.1-Imran the minors 8:00 p.m. till the petitioner

iii) During summer vacations over to the

- (xi) Both the mother and father shall not do any act that may prejudice the minors' mind towards the other parent.
[p. 1993] A

Syed Ehsan Raza, Advocate Supreme Court for Petitioner.

Ishaque Sathi, Advocate Supreme Court for Respondent.

Date of hearing: 3rd September, 2018.

ORDER

MUSHIR ALAM, J.---Madiha Younus-petitioner has impugned the judgment dated 6.12.2017 passed by learned High Court of Sindh, Karachi in C.P. No. S-2210 of 2017 whereby certain arrangements were made as regards to minors two sons namely Huzaifa Imran (date of birth 4.11.2006) and Aashad Imran (date of birth 17.10.2008).

2. It appears that petitioner-Madiha Younus and respondent No.1-Imran Ahmed could not maintain matrimonial relationship that led to the present unpleasant litigation to claim custody of the minors. Both the parties, present in Court and represented by the counsel. Learned counsel for the respondent has proposed the compromise and states that terms and conditions of the compromise are such that, if at all, custody is handed over to the respondent No.1-father he shall ensure the visitation rights to the petitioner in the manner stated therein. According to him such visitation rights are equally balanced and, if at all, the mother-petitioner wants to retain the custody similar rights may be given to him.

3. We appreciate that both the learned counsel for the parties who have made efforts in bringing about reconciliation between the parties accordingly following orders are passed:

- i). Both the minors shall remain with the petitioner-Madiha Younus (mother).
- ii) On every alternate weekend minors may reside with respondent No.1-Imran Ahmed (father) i.e. respondent No.1 will pickup the minors from the house of the petitioner on Friday at about 8:00 p.m. late evening and shall drop the minors at the house of the petitioner on Sunday by 01:00 p.m. in the afternoon.
- iii) During summer vacations the custody of the minors to be handed over to the respondent on the 1st Sunday of the summer vacations so declared by the School/Government and shall be

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returned to the petitioner in evening of the 4th Sunday during the vacation so that minors may have four weeks to spent with his father i.e. respondent No.1.

- iv) Winter vacations which are generally due from 21st December to 30th December, 1st week of the winter vacation shall be spent by the minors with respondent No.1 and 2nd week with the petitioner.
- v) In Eid-ul-Fitr the minors will celebrate Eid with his father respondent No.1 from Chand Rast of Eid-ul-Fitar at 08:00 p.m. till second day of Eid upto 08 p.m.
- vi) In Eid-ul-Adha the petitioner will allow the minors to celebrate Eid-ul-Adha with father i.e. respondent No.1 who shall pick the minors from the residence of petitioner on the second day of Eid-ul-Adha at 11:00 a.m. in the morning till 3rd day of Eid-ul-Adha at 10:00 p.m. or earlier.
- vii) Unscheduled holidays the minors may spent alternate holidays with respondent No.1-father from 10:00 a.m. to 08:00 p.m. in the evening.
- viii) The respondent No.1-father shall bear all expenses of the minors i.e. school fees, uniforms, van fees as well as others miscellaneous expenses as may be needed for the minors.
- ix) In addition to such expenses the respondent No.1-Father shall also provide a sum of Rs.5,000/- per month each minor for their other personal needs and requirement.
- x) It may be observed that in case there is any family occasions in which the respondent No.1 desire and wish that his sons may also attend shall inform the petitioner who shall not unreasonably stop the minors from attending such family events and or functions.
- xi) It is needless to say that the minors are of such in impressionable age and both the parents appears to be sensible and conscious of their social responsibility shall not do any act that may prejudice their mind towards the other parents.

5. Accordingly, this petition is disposed of in the terms noted above.

MWA/M-21/SC

Order accordingly.

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Civil Petition No.

(Against the
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No.151(K)CS/2010

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