

IN THE COURT OF ADDITIONAL DISTRICT JUDGE-IX, QUETTA  
Civil Revision No.32/2025

*Musa S/o Surjan Masih* Caste Christian  
R/o Police Line Quetta

Petitioner

VERSUS

*Mst. Rupa wife of Musa*  
Caste Christian R/o Aziz Street  
Meckongy Road Al-Amarat City Flat No.6 Quetta

Respondent

REVISION APPLICATION UNDER SECTION 115 OF CPC  
CODE OF CIVIL PROCEDURE 1908 READ WITH OTHER  
ENABLING PROVISION OF LAW

Miss *Aster Mehek* Advocate for petitioner  
Mst. *Rupa* despite information not appeared before court

ORDER

30<sup>th</sup> December 2025

This order is meant to dispose of the above titled revision arising out of order dated 23.12.2025 passed by the learned Family Judge-I, Quetta wherein the application for grant of visitation for seven days at occasion of charismas.

2. Brief fact of the case behind this application is that the Appellant / plaintiff being father of the minor filed custody suit against the respondent. While the respondent filed suit being aggrieved schedule of meeting between father and minor.

3. Brief background is that the appellant (father) filed a suit seeking custody of his 9-year-old daughter, Dua. He married the respondent in 2013 under Christian law and Dua was born in 2015. Due to strained marital relations, including allegations that the respondent frequently left the house without reason, the appellant initially obtained judicial separation in 2014, though the couple later reunited. Disputes



resurfaced, leading to proceedings under sections 107 and 150 Cr.P.C. In 2017, the respondent obtained custody of Dua through proceedings under section 491 Cr.P.C and thereafter allegedly disappeared with the child. After six years, the appellant learned that the respondent had converted to Islam and contracted a second marriage with one Zainullah, causing the appellant concern about his daughter living with a stranger, filed suit for custody of his minor daughter Dua.

4. After full-fledged trial, recording evidence learned trial court judgment and decree dated 30.09.2024 dismissed suit of appellant for custody of minor but granted visiting rights with schedule of meeting i.e. delivery of custody to appellant on every Saturday at 02:00 PM before Civil Nazir and return of custody back to respondent / mother on Sunday at 04:00 PM with travel expenses of Rs.800/- through Civil Nazir. And on occasion of birthday of minor on 9<sup>th</sup> of May the defendant shall hand over the custody of minor to plaintiff through Civil Nazir, Quetta at 10:00 AM and the father shall return the interim custody of minor to mother on the same day at 04:00 PM through Civil Nazir, Quetta. Appellant was also made liable of payment of maintenance allowance at rate of Rs.7500/- per month from date of judgment announced till date of marriage of minor.

5. At the end this court through judgment dated 4<sup>th</sup> February 2025 passed order as under:

As point No.1 has been resolved in favour of appellant, so impugned judgment and decree dated 30.09.2024 of learned trial court is set aside. Appeal No.19/2024 is allowed. Appeal No.20/2024 is dismissed. Suit of appellant is decreed. Respondent / mother is directed to hand over custody of minor Dua to appellant. No order as to cost. Certified copy of this order be sent to the learned trial court for information. Decree sheet be drawn. Record after completion and compilation be consigned to record.



6. This order was assailed by the respondent before the honorable High Court of Baluchistan and operation of the decree and judgment passed by this court dated 4<sup>th</sup> February was suspended. That mean order passed by the trial was in filed i.e. visitation. Since perusal of that order reveals that occasion except birth day was not mentioned in the initially order as above.

7. The learned counsel for the appellant during argument when place the above situation before her, she referred an order of the trial court dated 19/4/2025:

19-04-2025

Called. Applicant counsel Aster Mehak is present. Respondent counsel Sonia Pervaiz is present. Submitted her party has no objection on meeting of minor with father on Easter Holidays. Submitted minor is studying in school. Therefore court be allowed meeting for two days. The applicant is real father in view of above reasons the application is allowed. The respondent be produced the minor today at 2:00 PM in office of Civil Nazir Quetta and handed over to applicant and the applicant shall return the interim custody of minor Dua in school uniform to respondent on 23-04-25 in office of Civil Nazir Quetta at 8:00 am. Letter be issued for Civil Nazir for intimation for arrangement of meeting. Application is disposed of. Application file be consigned to record after its completion.



8. The learned trial court while rejecting the application of visitation dated 23<sup>rd</sup> December 25 has observed as under:

24/12/25

Counsel for respondent has strongly opposed the application and stated that respondent as well as the minor daughter are Muslims by religion, so first the minors opinion be asked as to celebrating Christmas and visiting father on such occasion. Minor was therefore observed in the chamber of the undersigned. She stated that she is Muslim and does not celebrate Christmas. She recited Darood Shareef and different

Surahs of the Holy Quran and stated that she does not desire to visit the father on this occasion though she is ready to visit father on weekends as already granted visitation schedule, whereby she stays for a night on Saturday at father place of residence and returns through Civil Nazir office on Sunday to the mother/respondent.

9. As the earlier order of the trial court as endorsed above regarding social and religious occasions, the minor was allowed, it is further held that celebration of cultural events with the father, including New Year, does not amount to conversion or indoctrination and falls within the scope of normal parental bonding. The father is permitted to have the minor with him for celebration of New Year, in a peaceful and non-coercive manner, without prejudice to the rights of either party and subject to the welfare of the child. The respondent is directed to produce the minor on 31/12/25 at about 11:00 AM in office of *Civil Nazir Quetta* and handed over to petitioner and the petitioner shall return the interim custody of minor Dua to respondent on 01<sup>st</sup> January-2026 in office of *Civil Nazir Quetta* at 11:00. This order is passed in the best interest and welfare of the minor. Record after completion and compilation be consigned to record. Copy of this order be sent to trial court for compliance.



Given under my hand and seal of the court on this 30<sup>th</sup> day of December 2025.

Announced in open court

Sd x x x  
(BARKAT ALI MARGHZANI)  
ADDITIONAL DISTRICT JUDGE-IX  
QUETTA