

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN
GILGIT**

S.M.C. NO. 15/2016

(COMPLAINT SUBMITTED BY MST. HOORI)

PRESENT:-

1. Mst. Hoori, complainant present in person.
2. Mr. Saloo h/o Mst. Hoori.
3. Mr. Omer Khan f/o Saloo.
4. Mr. Shehriyar s/o Omer Khan
5. Mr. Zahoor s/o Omer Khan.
6. Mr. Hafeez-ur-Rehman, mediator.
7. Mr. Alam, SHO, KKH, Chilas.

ORDER DATED:- 08-10-2016.

On the previous date of hearing before the Hon'ble Division Bench the SHO KKH Chilas Mr. Alam was directed to produce the father in law, brothers and Husband of complainant Mst. Hoori wife of Saloo Khan, with the mediator Hafeez-ur-Rehman s/o Molvi Juma Khan r/o Khinar District Diamer, accordingly the SHO concerned in compliance of orders of this Court produced the above mentioned persons before Senior Justice in chamber, the above SMC has been entrusted to Senior Justice by the Hon'ble Chief Judge Gilgit-Baltistan, for further proceedings in chamber.

On query about the complaint of the complainant namely Mst. Hoori, the father of Saloo namely Omer Khan has submit that his son namely Saloo is in-sane since along and remains roaming in the Gilgit-Baltistan, they are totally unaware about his where-about. Although he is father of three daughter and a husband of wife but totally negligent about his duties to take care of his family. He further submits that his son has been divorced his wife but the same was

negated by Mst. Hoori and she has produced a Sharie decision passed by the learned Ulmas of the area concerned.

The Court has also negates the same by keeping view the physical as well as the mentally condition of her husband, it is clearly written in the Holly Quran that the divorced is not acceptable if the person is in-sane.

The complainant further submits that she has been severely tortured and beaten by the in laws and even thrown her out from the house of her husband to deprive her from the property of her husband and even they are not supporting in terms of maintenance allowance for livelihood. And not take care of her daughter having age of 12 years. She also agitated that they are bound to take care of her as she is wife of their brother for her remaining life and arrange all the necessaries of marriage as her daughter namely Mst. Seri Nag is marriageable by her consent, she only wants honour, respect and protection of her life as well as her husband's. The father in law ensured that he will look-after, his daughter in law and his granddaughter Mst. Serinag properly.

The Court after hearing the necessary parties and recorded the statements of the complainant as well as other party i.e. Father in law and his three brothers. Also recorded the statement of Mr. Hafiz-ur-Rehman, mediator. The same are placed on file.

The mediator namely Hafiz-ur-Rehman has given an undertaking but recording his statement that he has to take care and marriage of daughter of Mst. Hoori would be finalized with her consent and all the necessary arrangements for marriage be executed by the brothers of her

husband and they have to fulfill the demands of her mother in terms of paying the (Zaab) dower at the time of Rukhsati of Mst. Serinag after attaining the age of 16 years, before the witnesses to avoid any mis-understanding or mishap between the parties.

The father in law with his three sons are strictly directed to take his insane son/brother namely Saloo (husband of complainant) before any psychiatrist to down country for his treatment. They are further directed that they have to protect the insane Saloo, although he is insane but a father of three daughters and husband of a wife (complainant).

Since the law protects the right of every individual according to constitution of Pakistan, the custodian of the family is alive i.e. Omer Khan the father of Saloo (insane) who is bound to take care and protect the rights of the family of his insane son Saloo, without harming the legal heirs of his sons and treat them properly as per Islamic law and tradition.

The Court is also directed that the complainant that she will be remain loyal to her husband and respect the laws of the area in question. She is further directed that not pay visit to irrelevant individual except his real brother namely Raj Mir at the time of any happiness and sorrow. And also directed to take care of her ailing and insane husband without any complaint. The complainant Mst. Hoori has frequently accepted the above terms and conditions, and also conceded that she is fully satisfied with the decision and directions of this Hon'ble Court.

With above directions the case is accordingly disposed off.

Announced:-

08/10/2016.

JUDGE