

ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No. 3493/2021

Fasihuddin Ahmed

Versus

Nabiha Naz Ahmed, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(02)	06.10.2021	M/s. Muhammad Azhar Siddique, Khawaja Ahmed Tariq, Hashim Tariq Raheem, Malik Muhammad Asif and Muhammad Shoaib Ch., Advocates for petitioner.

Through this writ petition, the petitioner/ Fasihuddin Ahmed has assailed the concurrent findings passed by learned Judge Family Court as well as by learned First Appellate Court dated 24.04.2019 & 10.07.2021, respectively, whereby, maintenance of Rs.3,00,000/per month alongwith vehicle of *1300 CC* and a house has been fixed to the extent of minor/ Faris-ud-Din, whereas, other claims awarded by the Courts below to the extent of maintenance during *Iddat* (عدت) and recovery of dowry have not been assailed by the petitioner.

2. Learned counsel for the petitioner inter-alia contends that the petitioner is regularly paying maintenance of minor at the rate of Rs.1,50,000/per month and as such he is ready to pay this amount during the pendency of instant writ petition; that both the Courts below have not considered the law in its true perspective, whereby, exorbitant maintenance has been fixed contrary to the record, even vehicle of *1300 CC* alongwith driver and reasonable residence was awarded, which was not

claim of the respondent No.1/mother, though, respondent No.1/mother and minor are residing with their parents (maternal parents), even otherwise, the petitioner is paying an extra amount for housemaid and other ancillary expenses for upbringing of the minor; that both the Courts below have not considered the fixation of maintenance in line with the judgments passed by the Apex Court reported as **PLD 2013 SC 131 (Humayun Hassan Vs. Arslan Humayun and another), 2011 SCMR 374 (Muhammad Arif Vs. Uzma Afzal and others) & PLD 2009 SC 760(Tauqeer Ahmad Qureshi Vs. Additional District Judge, Lahore and 2 others).**

3. Question raised needs consideration.

3. Let notice be issued to the respondents for 06.12.2021, through Registered Post A.D. and TCS, at the expense of the petitioner.

C.M. No. 01/2021.

Notice. In the meanwhile, operation of the judgments dated 24.04.2019 & 10.07.2021, to the extent of maintenance of Rs.3,00,000/-, provision of 1300 CC car and house shall remain suspended, subject to condition that the petitioner shall continue payment of Rs.1,50,000/ per month as maintenance of minor. The petitioner shall submit proof of monthly maintenance (after depositing the same in learned Executing Court), before this Court on each and every date of hearing.

**(MOHSIN AKHTAR KAYANI)
JUDGE**