

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

Writ petition no. 2632/ 2022

Imran Bhatti

versus

Mst. Nada Hassan Syed

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
1	13.07.2022	Mr. Touqeer Hafeez Abbasi, Advocate.

This writ petition assails the impugned order dated 25.06.2022 whereby the learned Family Judge directed the petitioner to pay the outstanding interim maintenance under the order dated 04.12.2021. Learned counsel contends that the order dated 04.12.2021 was set aside vide paragraph no. 6 of the order of this Court dated 07.06.2022.

2 Perusal of the impugned order shows that the learned counsel's submissions are correct. It is rather surprising that, despite the clear order of this Court setting aside the order dated 04.12.2021, the learned trial Court has proceeded to ask the petitioner to pay the amount per the same order. The learned Family Court might have been swayed by the petitioner's offer to pay the maintenance, though per his own interpretation which the learned Family Court did not agree with, nonetheless, the order of this Court dated 07.06.2022 was quite clear that the Family Court was first to decide the application under section 17-A taking into account the defendant's reply and submissions thereon. It is unfortunate that this Court's order was not complied with, necessitating an unnecessary round of recourse to this Court.

3 Resultantly, the order dated 25.06.2022 is set aside. The learned Family Court is directed to pass a speaking order after hearing the parties' submissions afresh on the application under section 17-A. Pending the decision on the said application, the maintenance offered by the petitioner as noted in the impugned order shall be accepted.

4 **Disposed of** accordingly.

(Sardar Ejaz Ishaq Khan)
Judge