

Form No: HCJD/C-121
ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.795 of 2022

Nadeem Ahmed

VS

Mst. Asma Zahid and another.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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04.	11.08.2022	Mr. Majid Nadeem Bhatti, Advocate for the petitioner.
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Through the instant petition, the petitioner has challenged order dated 24.09.2021, passed by learned Judge Family Court / Guardian Judge, West-Islamabad, whereby warrant of arrest has been issued and learned Trial Court has passed an order on the petition for cancellation of warrant of arrest, whereby petitioner has been directed to deposit sum of Rs.1,00,000/- in lieu of warrant of arrest.

2. Learned counsel for the petitioner, *inter-alia*, contends that respondent No.1 has mentioned wrong address of the petitioner and obtained ex-parte judgment and decree by committing cheating, fraud and misrepresentation before the learned Trial Court, due to which valuable rights of the petitioner have been jeopardized; the moment passing of ex-parte judgment and decree came to the knowledge of the

petitioner, he has filed petition for setting aside ex-parte judgment and decree, which is still pending and no order has been passed; it is evident from *Nikahnama* as well as from other documents that respondent No.1 has deliberately and willfully mentioned wrong address of the petitioner in order to obtain ex-parte judgments and decrees in both the cases, hence impugned order is liable to be set-aside and learned Trial Court be directed to provide opportunity of producing the evidence and contesting the cases strictly in accordance with law.

3. Points raised, need consideration.
Notice to the respondents.

4. Re-list on **18.08.2022.**

C.M. No.01 of 2022.

Exemption sought for is allowed
subject to all just and legal exceptions.

C.M. No.02 of 2022.

Notice. Meanwhile, operation of the impugned order is suspended. However, restraining order shall cease to exist and expire automatically, if not extended specifically on the next date of hearing .

(TARIQ MEHMOOD JAHANGIRI)
JUDGE