

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

W.P. No.1364/2021

Jamal Khan Durrani

**Versus**

Madina Khan

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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20.04.2021	Mr. Rana Ghulam Rasool, Advocate for the petitioner.	
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Through the instant writ petition, the petitioner, Jamal Khan Durrani, impugns the order dated 07.01.2021, passed by the learned Judge Family Court, Islamabad-West, dismissing the petitioner's review application against the order dated 08.10.2020. Vide the order dated 08.10.2020, the respondent was held entitled for grant of interim monthly maintenance allowance at the rate of Rs.20,000/- from the petitioner.

2. Learned counsel for the petitioner submits that the petitioner is working overseas as a labour; that respondent filed a suit for restitution of conjugal rights and recovery of maintenance; that vide the impugned orders, the learned Judge Family Court has fixed interim maintenance, which is beyond the petitioner's paying capacity; that the petitioner wants to live with the respondent; that the respondent is a disobedient wife; that no maintenance can be awarded to a disobedient wife; and that the impugned orders have been passed without application of judicial mind. Learned Counsel for the petitioner prayed for the writ petition to be allowed and for the impugned orders dated 07.01.2021 and 08.10.2020 to be set aside.

3. I have heard the contentions of the learned counsel for the petitioner and have perused the record with his able assistance.

4. Admittedly, marriage between the petitioner and the respondent is still intact and respondent had to file the suit *inter-alia* seeking restitution of conjugal rights. So far as the quantum of maintenance is concerned, the petitioner has placed on record *Nikahnama* dated 04.01.2018. In column 17 of the said *Nikahnama*, the petitioner had agreed to pay monthly maintenance allowance at the rate of Rs.20,000/- to the respondent during a nuptial dispute. The factual grounds raised by the petitioner regarding his monthly income require recording of evidence and cannot be considered in the constitutional jurisdiction of this Court.

5. In view of above, the instant petition being devoid of merit is dismissed *in limine*.

**(MIANGUL HASSAN AURANGZEB)**  
**JUDGE**