

## **ORDER SHEET.**

### **IN THE ISLAMABAD HIGH COURT, ISLAMABAD.** **JUDICIAL DEPARTMENT.**

**W.P No.1570/2019.**

Abdul Rehman

Versus

Learned Judge Family Court (East) Islamabad etc.

<b>S. No. of order/ proceedings</b>	<b>Date of order/ Proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
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30.05.2019	Mirza Hasib Hussain Baig & Mr. Muhammad Furqan Shabbir Malik, Advocates for the petitioner. Rana Abdul Qayyum, Advocate for respondents No.2 to 6.
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Through the instant writ petition, the petitioner has assailed the order dated 13.03.2019, passed by learned Family Judge (East) Islamabad, whereby right of the petitioner to file his written statement has been closed with costs of Rs.10,000/-.

2. Learned counsel for the petitioner inter-alia contends that the impugned order has been passed in haste; that no opportunity has been granted to the petitioner as on previous two dates of hearing, the District Bar was on strike; that if the petitioner is not granted opportunity to file his written statement, he will suffer irreparable loss and the maintenance claimed by the respondents side for the minors will further deprive the minors from their right of maintenance.

3. Conversely, learned counsel for respondents No.2 to 6 contends that the petitioner is guilty of intentional delay in filing of written statement and learned Trial Court has rightly closed his right with costs of Rs.10,000/-; that if the petitioner is burdened with additional costs, respondents No.2 to 6 have no objection for providing one opportunity to the petitioner for filing of his written statement.

4. In the light of statement of learned counsel for respondents No.2 to 6, instant writ petition is allowed, impugned order dated

13.03.2019 passed by learned Judge Family Court (East) Islamabad is hereby set aside subject to condition that the petitioner will submit his written statement on the next date of hearing to be fixed by the learned Family Court seized with the matter subject to payment of costs of Rs.20,000/- to be paid to the respondents before the learned Trial Court, failing which, right of the petitioner to file his written statement shall stand closed automatically. Learned Trial Court is directed to decide the maintenance suit on or before 31.12.2019 under intimation to this Court.

**(MOHSIN AKHTAR KAYANI)**  
**JUDGE**

R.Anjam