

Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Writ Petition No.3648 /2019

Mst. Asia Sharakat etc.

Vs

Family Judge Islamabad (East) etc.

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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22.10.2019	Mr. Muhammad Waqas Saleem, Advocate for the petitioners.
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Through the instant petition the petitioners have assailed order dated 22.07.2019 whereby respondent No.1, on the application of the petitioners, fixed the interim maintenance of the minor children as Rs.2000/- for plaintiffs No.2 & 3 and Rs.1500/- for plaintiffs No.4 & 5.

2. The facts, in brief, are that the petitioners instituted a suit for maintenance and recovery of dowry etc. against respondent No.2. Alongwith the suit an application for interim maintenance was also filed which was decided through the impugned order and the maintenance of the minor children was fixed.

3. Learned counsel for the petitioners *inter alia* contended that under the facts and circumstances the maintenance amount per

month is too low and is not sufficient for the maintenance of the children.

4. Arguments advanced by the learned counsel for the petitioners have been heard and the documents placed on record perused with his able assistance.

5. The interim maintenance has been fixed by the learned Trial Court on the basis of tentative assessment. The discretion exercised does not seem to be unjust or improper under the facts and circumstances. It is trite law that the petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 is not maintainable unless the order passed suffers from jurisdictional error or is patently illegal. The order in the instant petition does not suffer from such errors.

6. For the above reasons, the instant petition is without merit and is dismissed *in limine*. However, respondent No.1/learned Trial Court is expected to conclude the trial within a period of two months from the date of this order.

(AAMER FAROOQ)
JUDGE

M.Naveed