

No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

W.P. No.2668-2021

Mst. Rozina, etc.
Versus
Learned Judge Family Court, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	27-07-2021	Mr Ali Nawaz Kharral, Advocate for petitioner.

Through this petition, the petitioner has assailed order, dated 17-07-2021, passed by the learned Judge Family/Guardian Court, Islamabad (West).

2. The learned counsel has, inter alia, contended that a plain reading of section 17A of the Family Courts Act, 1964 does not vest a discretion in the learned court to adjourn the matter relating to payment of maintenance. The learned counsel has stated that the suit was filed on 20-10-2020 and the interim maintenance was fixed vide order, dated 25-01-2021. The learned counsel has contended that it was mandatory for the court to have struck off the defence of the respondent in case of default in payment.

3. Let notices be issued to respondents no.2 and 3. The office is further directed to relist the petition in the next week.

(CHIEF JUSTICE)

Luqman Khan/*