

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No.2555/2019
Mst. Ibtasam Shahid and another
Versus
Learned ADJ (West), Islamabad and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	05.07.2019	Mr. Ziafat Hussain Cheema, Advocate for the petitioners.

Through the instant writ petition, the petitioners impugn the consolidated judgment and decrees dated 19.06.2019, passed by the Court of the learned Additional District Judge, Islamabad, whereby family appeal No.111/2019 and family appeal No.99/2019 filed by respondent No.3 and the petitioners, respectively, against the consolidated order dated 11.05.2019, passed by the learned Guardian Judge, Islamabad, were dismissed. Vide the said consolidated order dated 11.05.2019, the learned Guardian Judge fixed an interim visitation schedule between respondent No.3 and his minor daughter.

2. In order to ensure that respondent No.3 does not take petitioner No.2 out of the jurisdiction of the learned Guardian Judge, respondent No.3 was directed to furnish a surety bond of a government officer working in the Federal Government within a period of three days. Vide the said order dated 11.05.2019, the learned Guardian Judge decided the application under Section 12 of the Guardian and Wards Act, 1890.

3. Learned counsel for the petitioners submitted that the visitation schedule concurrently fixed by the learned Courts below gives too much time to be spend between respondent No.3 and petitioner No.2; that the said concurrent orders ought to be modified so that

the visitation between respondent No.3 and petitioner No.2 should take place in the Court premises only; and that a meeting between respondent No.3 and petitioner No.2 should take place only once or twice a month.

4. I am of the view that the contentions of the learned counsel for the petitioners are untenable. Since petitioner No.2's custody is with petitioner No.1, it is imperative that the bond between respondent No.3 (father) and petitioner No.2 (daughter) should develop and be strengthened.

5. Since I do not find any illegality or arbitrariness in the visitation schedule between respondent No.3 and petitioner No.2 concurrently fixed by the learned Courts below, there is no reason to interfere in the impugned judgments/orders.

6. The petitioners seek the issuance of a writ of *certiorari* with respect to the concurrent judgments/orders passed by the learned Courts below. It is well settled that *certiorari* is only available to quash a decision for an error of law. It will also be issued for correcting errors of jurisdiction when an inferior Court or a Tribunal acts without jurisdiction or in excess of its jurisdiction, or fails to exercise it or where the Court or a Tribunal acts illegally in exercise of its undoubted jurisdiction when it decides a matter in violation of the principle of natural justice. The Court issuing a writ of *certiorari* acts in exercise of a supervisory and not appellate jurisdiction. A Court in exercise of its writ jurisdiction will not review findings of fact reached by the inferior Court or a tribunal.

7. The learned counsel for the petitioners made no submission on the point as to how the concurrent judgments/orders passed by the

learned Courts below were the consequence of an error of law or were without jurisdiction or in excess of it.

8. It has become common for counsel to argue petitions seeking the issuance of writs of *certiorari* as if they are arguing an appeal. This practice must be stopped, as the same is not in consonance with the well settled principles for hearing and deciding petitions seeking the issuance of writs of *certiorari*.

9. Finding no jurisdictional infirmity in the concurrent judgments/orders passed by the learned Courts below, the instant petition is dismissed in limine.

(MIANGUL HASSAN AURANGZEB)
JUDGE

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