

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P.No.263 of 2022

Raja Sajjad Munir

Versus

Additional District Judge, Islamabad (East) and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	26.01.2022	Mr. Abdur Rehman Malik, Advocate for the petitioner.

Through the instant writ petition, the petitioner, Raja Sajjad Munir, impugns the judgment and decree dated 15.01.2022 passed by the Court of the learned Additional District Judge, Islamabad, whereby his appeal against the judgment and decree dated 27.02.2021 passed by the learned Guardian Judge, was partly allowed. The learned Courts below concurrently held that respondent No.3 (Noshaba Sajjad) was entitled to the custody of minor children. The learned Guardian Judge had also fixed the maintenance for the minor children but the learned Appellate Court held that since respondent No.3 had not prayed for the grant of maintenance, she could file a separate suit for the said purpose.

Learned counsel for the petitioner submitted that the minor children have been in the petitioner's custody since 2019 and the welfare of the minors would be served, if their custody continues to remain with the petitioner.

Learned counsel for the petitioner further submitted that the minors can be brought to this Court and ask whether they want to continue to remain with the petitioner. This would be an exercise in futility since the learned counsel admitted that ever since 2019 the minors have not had visitation with their mother / respondent No.3.

Issue notice to respondent No.3.

It is clarified that the issuance of notice to respondent No.3 will not operate as the suspension of the operation of the impugned judgments and decrees.

Office is directed to transmit a copy of this order to the learned Trial Court / Executing Court.

C.M.No.01/2022

Notice. At this stage, I am not inclined to suspend the operation of the impugned judgments and decrees.

C.M.No.02/2022

Exemption sought for is allowed subject to all just and legal exceptions.

**(MIANGUL HASSAN AURANGZEB)
JUDGE**