

ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No.4401/2021
Muhammad Asif Khan
vs.
Mst. Nadia Khalil & another

| S. No. of order/ proceedings | Date of order/ Proceedings | Order with signature of Judge and that of parties or counsel where necessary. |
|------------------------------|----------------------------|---|
| 01. | 10.12.2021 | Mr. Kaleem Ullah Pirzada, Advocate for petitioner |

Through the instant writ petition, the petitioner has called in orders of the learned Executing Court, dated 22.10.2021 and 03.11.2021, whereby directions were passed to the extent of blocking of petitioner's CNIC, passport and SIMs.

2. Succinctly, Muhammad Asif Khan (petitioner) and Mst. Nadia Khalil (respondent No.1) tied the knot on 25.08.2013 against dower in shape of gold ornaments weighing 3 ½ Tolas, however sooner the petitioner went abroad to earn bread and butter leaving behind respondent No.1 in Pakistan to live at her own expenses. Later on, respondent No.1 filed a suit for recovery of maintenance and dowry articles, which was partially decreed vide order dated 14.02.2020 only to the extent of dowry articles, as such, feeling aggrieved thereof, respondent No.1 preferred an appeal, which was decreed vide order dated 05.10.2020 to the extent of maintenance to be paid by the petitioner @ Rs.15,000/- per month w.e.f. 25.08.2013 with annual enhancement of 10%. Accordingly, respondent No.1 filed execution petition, per se, objections

filed thereto by the petitioner were dismissed by the learned Executing Court on 22.10.2021 with the outcome that the learned Executing Court on 03.11.2021 issued direction to concerned authorities to block the petitioner's CNIC, passport and SIMs.

3. Learned counsel for petitioner contends that the learned Executing Court has no authority to issue direction for blocking of petitioner's CNIC or for that matter, the passport and SIMs, as such, the directions are entirely in contravention to the settled principles of law, even otherwise, the learned Executing Court has not appreciated the overall facts and circumstances of the case, rather passed the impugned orders in haste causing miscarriage of justice.

4. Arguments heard, record perused.

5. Perusal of record reveals that the petitioner is mainly aggrieved with the orders dated 22.10.2021 and 03.11.2021, passed by the learned Senior Civil Judge / Guardian Judge (East) Islamabad in execution of decree, whereby the learned Executing Court has issued direction to the NADRA authorities to block the petitioner's CNIC, even the D.G. Immigration and Passport was directed to block the passport issued in petitioner's name, per se, direction was also issued to D.G. Enforcement (Wireless-II), PTA for blocking of all SIMs issued in his name.

6. When confronted, learned counsel for petitioner contends that a decree of maintenance has been passed against the petitioner, which has been upheld up to this

Court vide judgment dated 15.04.2021, passed in W.P. No.3150/2020 (Muhammad Asif Khan v. Nadia Khalil, etc.), whereby the claim of maintenance of Rs.15,000/- was reduced to Rs.5,000/- per month with 10% annual increase till subsistence of marriage. However, despite reduction in the maintenance the said amount was never paid by the petitioner, even otherwise, the petitioner has no proof of payment to demonstrate his bona fide, especially when the initial decree was passed on 14.02.2020 w.e.f. 25.08.2013 i.e. date of marriage.

7. In such scenario, the discretionary relief could not be granted in favour of petitioner, who is not interested to satisfy the decree of the maintenance or other directions passed by the learned Judge Family Court, even in appeal he was directed to handover all dowry articles, as such, the conduct demonstrated by the petitioner is highly objectionable as he is using dilatory tactics with the aim to drag respondent No.1 into superfluous litigation, rather he is not showing any positive sign to satisfy the decree.

8. In view of above circumstances, the learned Executing Court had no other option but to proceed against the petitioner with the help of modern concepts, including blocking of CNIC, SIMs and passport, if any, though in next stage other modes of recovery, including but not limited to issuance of warrant of arrest, are also available to the learned Executing Court.

9. Manifestly, the learned counsel for petitioner has not been able to demonstrate any justifiable reason for setting

aside the impugned orders, especially when the judgment and decree has attained finality in earlier round of proceedings, therefore, the instant writ petition is hereby **DISMISSED** *in limine* having no force.

(MOHSIN AKHTAR KAYANI)
JUDGE

Khalid Z.