

Form No: HCJD/C-121
ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.521 of 2022

Muhammad Samiullah.

VS

Judge Family Court, Islamabad-East and another.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
01.	16.02.2022	Sheikh Muhammad Khizer ur Rashid, Advocate for the petitioner.

Through the instant petition, the petitioner has challenged order dated 21.12.2021, passed by learned Judge Family Court, East-Islamabad, whereby order for transfer of plot of the petitioner in the name of respondent No.2 has been passed.

2. Learned counsel for the petitioner, *inter-alia*, contends that the petitioner is ready and willing to pay the decretal amount, which is Rs.11,00,000/- as mentioned in the execution petition filed by respondent No.2 but the order for transfer of plot of the petitioner in the name of respondent No.2 is erroneous and unjustified; according to law the learned Trial Court can only pass an order for auction of plot in order to realize the decretal amount and remaining amount against the auction of plot is liable to be returned to the petitioner

but in the impugned order there is no such condition, the plot is more expensive than the decretal amount, hence the impugned order is liable to be set-aside.

3. Points raised, need consideration.
Notice to respondent No.2.

4. Re-list on **24.02.2022**.

C.M. No.01 of 2022.

Notice. Meanwhile, status quo shall be maintained by the parties till next date of hearing. Restraining order shall cease to exist and expire automatically, if not extended specifically on the next date of hearing.

C.M. No.02 of 2022.

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

(TARIQ MEHMOOD JAHANGIRI)
JUDGE