

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

W.P No.2670/2019.

Owais Ahmed

Versus

Mst. Fauzia Parveen etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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01.	06.08.2019	Malik Mazhar Javed, Advocate for the petitioner.
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Through the instant writ petition, the petitioner has assailed the order dated 14.05.2019, passed by learned Judge Family Court (East) Islamabad, whereby interim maintenance of respondent No.2/minor has been fixed as Rs.6,500/- per month.

2. Learned counsel for the petitioner inter-alia contends that learned Judge Family Court has fixed the interim maintenance of the minor on higher side, which is beyond financial capacity of the petitioner.

3. I have heard learned counsel for the petitioner and perused the record.

4. Perusal of the record reveals that respondent No.1 Mst. Fauzia Parveen filed suit for recovery of maintenance of minor son/respondent No.2 against the petitioner, whereas the petitioner has taken specific stance in para No.7 of his written statement that he is jobless and nothing is carved by him and that he is not serving with Careem transport as mentioned in the suit. Such stance of the petitioner in his written statement is considered as afterthought and is designed to avoid financial obligation being father towards his minor child. It is responsibility of a father to maintain a minor but surprisingly in this case the petitioner has

not given any valid figure of his financial status, through which he can manage affairs of the minor rather has taken the stance which reflects that the petitioner wants to get rid of his moral as well as legal/religious obligation towards maintenance of his child.

5. Learned counsel for the petitioner has been confronted regarding maintainability of instant writ petition as there is no provision of appeal or revision against interim order in the Family Court Act, 1964, whereby learned counsel for the petitioner has contended that interim maintenance of the minor has been fixed on higher side and is beyond financial status of the petitioner.

6. The legislative wisdom of the Family Court Act, 1964 expresses short time frame for resolution of family disputes and as such no appeal has been provided against interlocutory order in the Act, however, filing of such kind of writ petition is considered an effort to frustrate the proceedings of the Family Court.

7. The order impugned in the instant writ petition is interlocutory in nature and the same cannot be assailed in writ jurisdiction, whereas the mandate of law clearly provides that no remedy of appeal or revision is available against the interlocutory order passed by learned Judge Family Court and the interlocutory order can only be assailed after passing of the final judgment and decree. Reliance is placed upon 2017 YLR 622 Islamabad (Shahida Fazil vs. Mst. Hina Tahir, etc), 2015 CLC 990 Islamabad (Sardar Muhammad Jahangir vs. Judge Family Court, etc) & 2014 CLC 330 Islamabad (Mst. Maham Shabbir vs. Salman Haider, etc).

8. In view of above discussion, the instant writ petition is not maintainable, therefore, the same is **dismissed in limine**. However, learned Trial Court seized with the matter is directed to conclude the trial within a period of 02 months.

(MOHSIN AKHTAR KAYANI)
JUDGE

R.Anjam