

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

Writ Petition No. 3433/2021

Babar Shabbir

Versus

Asia Mehboob and others.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(01)	29.09.2021	Mr. Kamran Yousaf Kiani, Advocate for petitioner.

Through the instant writ petition, the petitioner has assailed the order dated 14.07.2021, passed by learned Additional District Judge (West), Islamabad, whereby, appeal filed by the petitioner has been dismissed in *limine* being time bared .

2. Learned counsel for the petitioner *inter-alia* contends that respondent No. 1 had filed Suit for Recovery of Maintenance, Dowry Articles and Gold Ornaments, which was partly allowed in her favour by learned Judge Family Court (West), Islamabad through ex-parte judgment and decree dated 18.01.2021, whereby, notices have not been served upon the petitioner. He further contends that respondent No.1 filed another suit for enhancement of maintenance and claimed the dowry article/gold ornaments, whereby, the petitioner has received the notice and has put appearance before the learned Family Court, whereby, he has filed his own appeal in terms of Section 14 of the *Family Court Act, 1964*, but the learned Trial Court has passed the impugned order in haste without considering the merits of

the case, even though application for condonation of delay has also been filed.

3. Question raised needs consideration.

4. Let notice be issued to respondent No.1 for 30.11.2021, through Registered Post A.D. and TCS, at the expense for the petitioner.

C.M. No. 01/2021.

Notice. In the meanwhile, operation of the Judgment and decree dated 18.01.2021, shall remain suspended subject to deposit of maintenance of minor w.e.f. 19.04.2020 at the rate of 5,000/P.M. as well as amount of maintenance of respondent No.1 during her period of *Iddat* (عدت) fixed by the learned Family Court with the Deputy Registrar (Judl.) of this Court.

C.M. No. 02/2021.

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

(MOHSIN AKHTAR KAYANI)
JUDGE

Khurram