

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

**Writ Petition No.4100 of 2020**

Ms. Faiza Mir and 03 others.

VS

Additional District Judge-I, (East) Islamabad and 02 others.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
------------------------------	----------------------------	---

28.	19.05.2022	Mir Aurangzeb, Advocate for the petitioners. Mr. Shajjar Abbas Hamdani, Advocate for respondent No.3. Syed Tahir Bukhari / respondent No.3, in person. Mr. Fahda Ali, learned State Counsel. Mian Muhammad Shahbaz, Inspector / S.H.O., Police Station Ramna, Islamabad.
-----	------------	--

FOR READ ONLY

After arguing the case at some length, learned counsel, on the instructions of respondent No.3, submits that he is ready and willing to pay monthly maintenance at the rate of Rs.10,000/- per month for each minor with annual increase @ 5%, he has no objection if the instant petition is allowed according to these terms and conditions.

2. The judgment and decree in favour of the petitioners was passed by

learned Judge Family Court / Guardian Judge, East-Islamabad on 05.10.2020, whereby petitioners No.2 to 4 were held entitled to recover maintenance @ 10,000/- PKR each per month since 22.07.2018 with 10% annual increase due in October, 2021, petitioner No.1 was also held entitled for maintenance allowance for her *Iddat* period to the tune of Rs.8,000/- per month.

3. Being aggrieved from the impugned judgment and decree passed by learned Judge Family Court / Guardian Judge, East-Islamabad on 05.10.2020, the petitioners filed an appeal for enhancing of maintenance of the minors and respondent No.3 also filed an appeal for reduction of the maintenance allowance. Learned Additional District Judge-I, East-Islamabad vide impugned judgment and decree dated 02.12.2020, dismissed the appeal filed by the petitioners and allowed the appeal filed by respondent No.3 and reduced the quantum of maintenance from Rs.10,000/- each minor to Rs.7,000/- each minor as well

as annual increase was also reduced from 10% to 5% per annum.

4. After passing the impugned judgment and decree, respondent No.3 being father of three children has not paid monthly maintenance to his minor children rather contracted second marriage and given birth to a child from his second wife. However, during pendency of this petition in this Court respondent No.3 has given statement that he will pay all the outstanding maintenance to the minors before the next date of hearing but he has willfully not complied with the statement given before this Court and did not pay maintenance to the minors and also committed willful defiance and violation of the order passed by this Court, separate proceedings under the contempt of Court laws have also been initiated against him, even he did not bother to appear in the Court or to arrange his representation on many dates, initially his bailable warrants of arrest were issued, he did not bother to comply with the direction

passed by this Court, lastly his non-bailable warrants of arrest were issued, he was arrested by the local police and produced in the Court. Learned Sessions Judge-East, Islamabad has also been directed to initiate disciplinary proceedings against respondent No.3.

5. Today, learned counsel for respondent No.3 has given statement on the instructions of respondent No.3 / Syed Tahir Bukhari that respondent No.3 will pay maintenance at the rate of Rs.10,000/- each minor per month to his three minor children and did not want to contest the instant writ petition.

6. Keeping in view the statement made by learned counsel for respondent No.3 and conduct of respondent No.3, the instant writ petition is **allowed**; consequently, impugned judgment and decree dated 02.12.2020, passed by learned Additional District Judge-I, East-Islamabad is set-aside and judgment and decree dated 05.10.2020, passed by learned Judge Family

Court / Guardian Judge, East-Islamabad is  
maintained with no order as to cost.

**(TARIQ MEHMOOD JAHANGIRI)  
JUDGE**

M. Zaheer Janjua

FOR READ ONLY (UNCERTIFIED COPY)