

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

**Writ Petition No.3570 of 2019**

Tariq Mehmood.

**Vs**

Learned Senior Civil Judge (Guardian) East, Islamabad and another.

<b>S. No. of order/ proceedings</b>	<b>Date of order/ Proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
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**17.10.2019. Mr. Ghulam Qasim Bhatti, Advocate for the Petitioner.**

Through the instant petition, the petitioner has challenged order dated 11.07.2019, whereby right of evidence of petitioner was closed.

2. Learned counsel for the petitioner, *inter-alia*, contended that the petitioner filed a guardian petition before respondent No.1 with respect to custody of his minor children. In the referred proceedings without any fault of the petitioner, it is alleged, that the right of evidence was closed.

3. Arguments advanced by learned counsel for the petitioner have been heard and the documents placed on record examined with his able assistance.

4. It is observed that order dated 11.07.2019 was passed after providing a number of opportunities to the petitioner. The

proceedings are under the Guardian and Wards Act and Code of Civil Procedure is not applicable. Even otherwise, no justification is provided for not leading the evidence on the date in question. It is also settled law that no petition under Article 199 of the Constitution can be filed against an interlocutory order unless the same is without jurisdiction or suffers from different illegalities, the impugned order under the facts and circumstances does not suffer from such disability warranting interference.

5. For the above reasons, the instant petition is without merit and is accordingly ***dismissed in limine.***

**(AAMER FAROOQ)  
JUDGE**

*\*M. Zaheer Janjua\**