

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

Writ petition no. 4624/ 2021

Ch. Nasir Ahmad

versus

Additional District Judge, West Islamabad and others

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
2	17.05.2022	M/s Ch Abdul Majeed and Muhammad Afzal Siddique, Advocates for the petitioner.

This writ petition assails the appellate order dated 23.11.2021 modifying the order dated 04.03.2020, whereby the petitioner was directed to pay maintenance allowance of Rs.100,000/- to his daughter respondent no. 3 without the condition of living with the father. The judgment in the first instance allowed maintenance of Rs.50,000/- on the condition that the daughter will live with her father.

2 Learned counsel for the petitioner states, *inter-alia*, that the daughter was 37 years of age when the appellate order was passed, that she received the best education possible, has good employment prospects, her refusal to stay with her father disentitles her to maintenance, and learned counsel cites PLD 2009 SC 760 , 2011 YLR 1632 and 2006 CLC 1754 in support.

3 Admit. Let notice be issued to respondent no. 3 for **10.06.2022** to file her reply within 2 weeks from today.

C.M No.1764/ 2022

Notice for the aforesaid date. This CM under section 151 CPC seeks the suspension of the stay of the appellate judgment and decree dated 23.11.2021 impugned in this writ petition. For the reasons stated above, the impugned appellate decree is stayed, provided that, the stay does not extend to the judgment in the first instance allowing Rs. 50,000/-

maintenance to respondent no. 3 on the condition that she lives with her father.

(Sardar Ejaz Ishaq Khan)
Judge