

Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD  
(JUDICIAL DEPARTMENT)

W.P. No. 2668 of 2021

Mst. Rozina, etc.

**Vs**

Judge Family Court, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
06)	<u>14-12-2021.</u>	M/s Ali Nawaz Kharal and Malik Qamar Abbas Advocates, for the petitioners. Ch. Shahid Mehmood and Rao Abdur Raheem Advocates, for the respondents.

Through this petition, the petitioner has assailed order, dated 17.07.2021. It is the case of the petitioner that the learned Judge Family Court/Guardian Judge was required to proceed under section 17-A of the Family Courts Act, 1964[hereinafter referred to as the "**Act of 1964**"].

2. Report has been submitted by the learned Judge Family Court/Guardian Judge. It appears from the record that the total amount of maintenance has, prima-facie, not been paid to the petitioner nor deposited in the court. In matters relating to maintenance, the conduct of the parties is of paramount importance.

3. The learned counsel for the respondents has stated that the order regarding custody was recalled by the learned Guardian Judge. However, the learned counsel for the

petitioner has stated that the order has been suspended by this Court in W.P. No. 4025/2021.

4. In the light of the above, it is obvious that the respondent is required to comply with the directions regarding payment of maintenance. Whether or not the total amount of maintenance has been paid and if not, then what would be the consequences is required to be considered by the learned Judge Family Court. The matter is, therefore, remanded to the learned Judge Family Court/Guardian Judge. The latter is expected to proceed strictly in accordance with law. In case the total amount of arrears of maintenance has not been paid by the respondent, then in such an eventuality, the learned court would be expected to consider proceeding in accordance with the mandatory provisions prescribed under section 17-A of the Act of 1964.

5. The instant petition stands **disposed of** in the above terms.

(CHIEF JUSTICE)