

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

W.P no. 565/ 2022

Zeeshan Maqsood
versus
Additional District Judge, and other

| S. No. of order/ proceedings | Date of order/ Proceedings | Order with signature of Judge and that of parties or counsel where necessary. |
|------------------------------|----------------------------|---|
| 01 | 17.02.2022 | Mr. Iftikhar Ahmad Bajwa, Advocate. |

The petitioner assails the appellate judgment and decree dated 11.01.2022 and the judgment and decree in the first instance dated 27.10.2021 whereby the petitioner was ordered to pay maintenance of Rs.10,000/- per month to his ex-wife and minor daughter.

2 The petitioner's right to defence was struck off due to non-payment of interim maintenance, and a writ petition against the said order was also dismissed by this Court observing that the learned family court had indulged the petitioner over a period of almost one and a half year and only thereafter struck off his defence under section 17-A of the Family Court Act, 1964 (the relevant part of the High Court's order is reproduced in the impugned appellate judgment). Learned counsel for the petitioner submits that the petitioner's CNIC stands blocked in execution proceedings and seeks interference of this Court which, however, cannot be done as any relief in relation thereto has to be applied for in the first instance before the executing Court and before me the petitioner's counsel hasn't demonstrated any illegality in the order of the executing Court.

3 The petitioner's counsel says that the petitioner is an electrician who cannot afford the maintenance awarded. This had to be pleaded and proved by the petitioner during the trial, but his failure to pay the interim maintenance in

the lower sum of Rs.4,500/- per month for a prolonged period seems to be the cause of all his present travails. Learned counsel has not pointed out any illegality or material irregularity in the impugned judgments calling for this Court's interference in its Constitutional jurisdiction.

4 This petition is therefore **dismissed** *in limine*.

(SARDAR EJAZ ISHAQ KHAN)
JUDGE