

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

**Writ Petition No.4351 of 2021**

Muhammad Arslan.

VS

Mst. Madiha Shahzadi and another.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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01.	07.12.2021	Mr. Armaghan Saqib Khan, Advocate for the petitioner.
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Through the instant petition, the petitioner has challenged order dated 29.09.2021, passed by learned Judge Family / Guardian Court, West-Islamabad, whereby right of the petitioner to cross-examine PWs was closed.

2. Learned counsel for the petitioner, *inter-alia*, contends that valuable rights of the petitioner are involved in the case and it is settled law that the cases should be decided on merits rather on technicalities; it is fundamental right of the petitioner to cross-examine the PWs and if the instant petition is not allowed his valuable rights will be jeopardized, non-appearance of learned counsel for the petitioner in the Court on 21.04.2021 and 29.09.2021 was not deliberate as he was suffering from viral infection that is why he could not appear

before the Court, learned Trial Court has committed illegality while closing the right of cross-examination of PWs, hence impugned order is liable to be set-aside.

3. Points raised, need consideration.  
Notice to the respondents.

4. Re-list.

**C.M. No.01 of 2021.**

Notice.

**(TARIQ MEHMOOD JAHANGIRI)**  
**JUDGE**

FOR READ ONLY (UNCERTIFIED COPY)