

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

**W.P no.126/ 2022**

Imran Shahzad  
*Versus*  
Nafeesa Khursheed and others

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
01	14.01.2022	Ms. Asma Shabbir, Advocate.

The petitioner assails the impugned orders dated 01.09.2021 and 04.12.2021 passed by the learned Senior Civil Judge-II/Judge Family Court, Islamabad-East.

2 The petitioner is aggrieved because his right to defend was struck-off by the family court due to non-compliance with the order of interim maintenance. Learned counsel states that the said non-compliance was not deliberate but was on account of the Courts not being functional due to the Covid pandemic for the period when the interim maintenance was payable and, despite the petitioner's readiness to comply, he was unable to deposit interim maintenance. She further submits that the mischief section 17-A of the Family Courts Act, 1964 was directed at was the deliberate refusal to deposit the interim maintenance and not where the inability to comply was due to unavoidable circumstances. She relies on the citation titled *Dr. Aqueel Waris V/s Ibrahim Aqueel etc, 2020 CLC 131, Islamabad.*

3 Admit. Notice to respondent no.1 for **04.02.2022**.

**C.M No.1/ 2022**

Notice.

**C.M No.2/ 2022**

Exemption sought for is allowed subject to all just and legal exceptions.

(SARDAR EJAZ ISHAQ KHAN)  
JUDGE

Rana.M.Ift