

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

W.P No.4597/ 2021

Mohib Akhtar

Versus

Mst. Sakina Akhtar 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	24.12.2021	Mr. Aftab Ahmed, advocate.

Learned counsel contends that the impugned judgment dated 24.11.2021 is against the mandatory provisions of the Family Courts Act, 1964, and that neither the ex-parte decree for dissolution of marriage was sent to the petitioner nor its certified copy was sent to the Chairman Union Council per the mandatory requirements of sections 9(7) and 21, respectively, of the said Act. Further submits that as the deceased (*his wife*) continued to reside with him and travelled to Karachi with him for treatment of her ailments *after* the decree dated 19.07.2019 for dissolution of marriage, it was to be presumed that she had reconciled with him, which inference was supported by the fact that she never applied for the execution of the decree until her death on 30.3.2020. States that both the petitioner and the deceased were citizens of AJK and, relying on the judgment reported at 2017 YLR 84, contends that persons not citizens of Pakistan whose marriage was solemnized under the law of a territory other than Pakistan were not subject to the jurisdiction of the Family Courts established for the territory of Pakistan.

2. Let notice be issued to respondent No.1 for the last week of January, 2022.

C.M No.1/ 2021

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

C.M No.2/ 2021

Notice.

(SARDAR EJAZ ISHAQ KHAN)
JUDGE