

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No. 1460/2021

Amjad Khan.

Versus

Learned ASJ-I (West), Islamabad & others.

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)	22.04.2021	Mr. Tariq Mehmood Mughal, Advocate for the petitioner.
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The petitioner is aggrieved by the order of the learned Additional District Judge (West), Islamabad, dated 05.01.2021, wherein maintenance has been awarded to respondent No.3.

2. The learned counsel for the petitioner states that the learned Family Court had rightly found that respondent No.3 deserted the petitioner and was living in her parents' house of her own volition and was therefore, not entitled to the maintenance. He relies on **2017 YLR 2481** Shariat Court AJK and **2019 MLD 1999** High Court AJK for the proposition that a wife is living separately without consent of her husband is not entitled for maintenance.

3. Issue notice to respondent No.3, who may file para-wise comments to this petition within a period of two weeks.

4. The petitioner as well as respondent No.3 are also directed to file before the next date of

hearing their cost of litigation statements in accordance with 35(I)(i) of the Civil Procedure Code, 1908.

C.M. No. 01/2021

Notice.

C.M. No. 02/2021

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

C.M. No. 03/2021

Notice.

**(BABAR SATTAR)
JUDGE**