

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

Writ Petition No.3653 of 2021

Muhammad Zeeshan Nasir

Versus

Family Judge, (West) Islamabad and 02 others.

S.No. of order/ proceeding	Date of order/ proceeding	Order with signature of Judge and that of parties or counsel where necessary.
	12.01.2022	Mr. Ashiq Hussain Tarar, Advocate for the Petitioner. Mr. Muhammad Sheraz, Advocate for respondents No.2 and 3.

Through the instant petition, the petitioner has impugned order dated 04.09.2021, passed by learned Judge Family Court / Guardian Court, West-Islamabad, whereby, interim maintenance allowance of the minor was fixed at the rate of Rs.15,000/- per month.

02. Learned counsel for the petitioner, *inter alia*, contends that interim maintenance has not been fixed according to financial status of the petitioner; the learned family Court did not give any weightage to stance of the petitioner as well as salary slip of the

petitioner while passing the impugned order; the impugned order is not a speaking order and is against the law and facts, hence liable to be set aside.

03. Learned counsel for the respondents No.2 & 3 has controverted the arguments made by learned counsel for the petitioner and stated that impugned order was passed in accordance with law; the petitioner / father of respondent No.3 is bound to pay maintenance to the minor, hence instant writ petition is liable to be dismissed.

04. Arguments heard, record perused.

05. The petitioner has challenged the interim order for fixation of maintenance allowance of minor aged about one year and two months.

06. It is mentioned in Section 14(3) of the West Pakistan Family Courts Act, 1964 that:

"No appeal or revision shall lie against an interim order passed by a Family Court."

07. According to law, father is bound to pay maintenance of the minor. Learned trial Court

has jurisdiction to fix interim maintenance of the minor according to law.

08. It has been held by the Hon'ble Supreme Court of Pakistan in a case titled as **Syed Saghir Ahmad Naqvi Vs. Province of Sindh (1996 SCMR 1165)**, that:

"The statute excluding a right of appeal from the interim order cannot be passed by bringing under attack such interim orders in Constitutional jurisdiction. The party affected has to wait till it matures into a final order and then to attack it in the proper exclusive forum created for the purpose of examining such orders."

Reliance is also placed on cases reported as **1976 SCMR 450 & 2020 SCMR 260.**

09. Learned counsel for the petitioner has failed to point out as to how the impugned / interim order passed by the learned Judge Family Court was the consequence of an error of law or without jurisdiction or in excess of jurisdiction.

10. In view of the above prospective, instant writ petition has no merits and the same is **dismissed**.

(TARIQ MEHMOOD JAHANGIRI)
JUDGE

Ahmed Sheikh