

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

I.C.A No.05/2020.

Faiza Mir etc.

Versus

Civil Judge/Family Judge, East Islamabad 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.	16.01.2020	Mir. Aurangzeb, Advocate for the appellants.
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MOHSIN AKHTAR KAYANI, J. Through instant I.C.A, the appellants have assailed the judgment dated 17.12.2019, passed by learned Single Judge in Chambers, whereby writ petition No.3442/2019 filed by the appellants has been dismissed.

2. Learned counsel for the appellants contends that learned Judge Family Court while passing order dated 09.03.2019 fixed interim maintenance at the rate of Rs.4,000/- per month for each minor/appellants No.2 to 4; that interim maintenance was not paid on subsequent dates and learned Judge Family Court passed subsequent orders, whereby it was held that right of the defence of the respondent No.2/defendant will be closed but no final order has been passed till date; that the said order was assailed before learned Single Judge in Chambers in the writ petition, which has been dismissed through impugned judgment without considering the law that no substantial remedy is available to the appellants for protection of their rights.

3. We have heard learned counsel for the appellants and gone through the record.

4. Perusal of the record reveals that the matter is in hand is subjudice before learned Family Court, however, while

considering the said background, learned Single Judge in Chambers has passed direction to learned Trial Court/Judge Family Court to conclude the trial within a period of two (02) months and dismissed the writ petition. The scheme of law has rightly been appreciated by learned Single Judge in Chambers in terms of section 17(A) of the Family Court Act, 1964 and as such it is settled by law that no writ is competent against any interlocutory order passed by Judge Family Court. The instant I.C.A bears no merits, therefore, the same stands **dismissed in limine**. Any observation passed by this Bench at this stage would prejudice the case of either party, however, it is expected from learned Judge Family Court to decide the matter in accordance with law within a period of two (02) months as directed by learned Single Judge in Chambers in the impugned judgment. The appellants can raise these grounds before learned Family Court while considering the scheme of law.

(GHULAM AZAM QAMBRANI)
JUDGE

(MOHSIN AKHTAR KAYANI)
JUDGE

R.Anjam