

Form No: HCJD/C-121  
JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD  
(JUDICIAL DEPARTMENT)

**W.P. No.3760/2020**

Sajjad Ahmed.

Versus

Asma Sajjad, etc.

Petitioner by : M/s Rakhshanda Azhar and Akseer Ahmed  
Abbasi, Advocates.

Respondents by : Ch. M. Javed Gujjar, Advocate.  
Islamabad.

Date of Decision : **25-01-2023.**

**MOHSIN AKHTAR KAYANI, J.-** Through this *Writ Petition*, the petitioner namely, Sajjad Ahmed has assailed the order, dated 05.11.2020, passed by the learned Civil Judge 1<sup>st</sup> Class/Family Court-(West), Islamabad, whereby application filed by the respondent/plaintiff for submission of additional documents was allowed.

2. The learned counsel for the petitioner contends Asma Sajjad has filed suit for maintenance for herself as well her minor children, which is still pending before the learned Judge Family Court. An application was earlier filed for submission of additional documents to justify the quantum of maintenance allowance, but no document was mentioned which was dismissed and later on she filed the second application, as a result whereof the same was allowed

vide the impugned order, dated 05.11.2020 without considering this aspect that previous application was dismissed. It has lastly been contended that the order impugned before this Court has not been passed in accordance with law and the respondent be only permitted to place those documents which were relied upon by her at the time of filing of her suit.

3. Conversely, the learned counsel for the respondent contends that the no hard and fast rule is applicable in the family jurisdiction nor CPC and Qanoon-e-Shahadat Order, 1984, is applicable in stricto sensu. The learned counsel has further contended that the documents submitted before the court will help the Judge Family Court to reach at the just conclusion to determine the financial status of the petitioner.

4. The learned counsels for the parties have been heard and the record perused with their able assistance.

5. Perusal of the record reveals that the respondent Asma Sajjad has filed a suit for maintenance for herself as well as for her minor children against the petitioner based upon the marriage contract, dated 09-08-1997. The suit was contested and at present application has been filed for submission of additional documents i.e. lease agreement, dated 30.08.2012, lease agreement dated October, 2018, attested copies of periodical record of rights of the petitioner qua his land and residential properties, the educational charges/tuition fee challan fee of the minors plaintiff Nos.2, 3 & 4, electricity and sui gas bills of the rented premises were appended with the application to prove the quantum of maintenance as well as

the expenses borne by the Asma Sajjad for the upbringing of the minors, though the same is the responsibility of the petitioner. All these aspects were duly considered by the learned Judge Family Court in the impugned order and rightly allowed the said application. As such no illegality has been pointed by the petitioner side except that the similar type of application was dismissed on the ground that no document was appended. As such Code of Civil Procedure, 1908, Qanoon-e-Shahadat Order 1984 were not applicable and the learned Family Judge is fully equipped to settle all the questions to determine the status of father/husband accordingly even without any application.

6. For the above reasons, instant petition is **dismissed** with the direction to the learned Family Court seized with the matter to conclude the trial within the period of two months.

**(MOHSIN AKHTAR KAYANI)**  
**JUDGE**