

ORDER SHEET  
ISLAMABAD HIGH COURT  
ISLAMABAD

**W.P.No.3685/2019**

Khurshid Alam  
VERSUS  
Judge Family Court (West) Islamabad, etc.

S.No. of order/ Proceeding	Date of hearing	Order with signature of Judge, and that of parties or counsel, where necessary.
	24.10.2019.	Mr.Javed Iqbal Banday, Advocate for the Petitioner.

Through this writ petition, the Petitioner has assailed order dated 10.10.2019, passed by the learned Judge Family Court (West), Islamabad whereby his application for impleadment as defendant in the suit titled "*Shumaila Shoaib Versus Yasir Khurshid*" for recovery of maintenance allowance was dismissed.

2. Learned counsel for petitioner contends that a suit titled Shumaila Shoaib Versus Yasir Khurshid for recovery of maintenance allowance is pending before the Guardian Judge-West, Islamabad wherein defendant Yasir Khurshid is the real son of petitioner who has some dispute with his wife and petitioner being father intends to become a party in the said suit on the ground that House No.631, Street No.3, Sector G-11/1, Islamabad was purchased by the petitioner from his life time saving in the name of his son Yasir Khurshid as benamidar and now both husband and wife in connivance with each other are trying to deprive the petitioner from his house.

3. Learned counsel for the petitioner has been confronted with the maintainability of the instant writ petition whereby he could not explain his locus-standi in the family dispute between his son and daughter-in-law. The claim of the petitioner qua the property referred above is an independent dispute with his son which could only be resolved through a civil Court, therefore, petitioner has no legal right to interfere in the legal proceedings of

suit titled Shumaila Shoaib Versus Yasir Khurshid. Besides, the above referred position it is a trite law that interlocutory order or interim orders of the Family Court cannot be assailed in Constitutional jurisdiction of the High Court. Reliance is placed on case law titled Shahida Fazil Versus Mst.Hina Tahir (2017 YLR 622), Minhaj Saqib Vs Najm-us-Saqib (2017 YLR 870) and Saghir Ahmad Naqvi Versus Province of Sindh (1996 SCMR 1165).

4. In view of above, the petitioner has no locus-standi nor has any legal right to interfere in the family litigation of his son Yasir Khurshid and daughter-in-law Shumaila Shoaib, therefore, instant writ petition is misconceived and same is hereby dismissed in limine.

(MOHSIN AKHTAR KAYANI)  
JUDGE

M.S. ZAKI