

Form No: HCJD/C-121.

JUDGEMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No. 4287 of 2017

Muhammad Sajid Iqbal
Vs
Mst. Saira Queshi, etc.

DATE OF HEARING: 11-10-2019.

PARTY NO. 1, BY: Mr Sajid Haider Malik Advocate.

PARTY NO. 2, BY: Mr Muhammad Habib Ullah Khan Advocate.

ATHAR MINALLAH, CJ.- Through this consolidated judgment, I shall decide the instant petition and three connected petitions listed in "**Annexure-A**" attached hereto.

2. The facts, in brief, are that Muhammad Sajid Iqbal son of Muhammad Iqbal [hereinafter referred to as "**Party no. 1**"] and Ms Saira Parveen daughter of Abdul Khaliq [hereinafter referred to as "**Party no. 2**"] entered into a marriage contract on 16-12-2007. They were blessed with a daughter namely, Ms Fatima Sajid [hereinafter referred to as the "**Minor**"]. The Minor was born on 13-09-2009. After living for some time together the parties developed differences which led to filing of a suit by Party no. 2 on 19-11-2011, seeking recovery of maintenance allowance, dowry articles, dowry and personal belongings. The learned Judge Family

Court partially decreed the suit vide judgment and decree, dated 18-03-2007. The parties filed their respective appeals. The appeal filed by Party no. 2 was dismissed while appeal filed by Party no. 1 was partially allowed. The parties have, therefore, assailed through constitutional petitions judgments and decrees, dated 18-03-2017 and 29-11-2017, passed by the learned Judge Family Court and the learned appellate Court, respectively. Party no. 2, filed a suit seeking khula (dissolution of marriage) and the same was decreed vide order and decree, dated 03-09-2014. Through W.P. No. 3110/2019, Party no. 2 has sought suspension of the execution proceedings. In W.P. No. 4288/2019, Party no. 1 has assailed orders and decrees, dated 29-03-2017 and 28-09-2017, passed by the learned Guardian Judge/Judge Family Court and the learned appellate Court whereby petition filed under section 25 of the Guardian and Wards Act, 1890 [hereinafter referred to as the "**Act of 1890**"] was dismissed.

3. The learned counsel for Party no. 1 has mainly argued that the learned Courts were not competent to adjudicate the matter because both the parties had left the country and had settled in the United Kingdom in 2010. He has further argued that the learned Courts have not properly appraised the evidence.

4. On the other hand, the learned counsel for Party no. 2 has argued that evidence brought on record was not

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properly appreciated and, therefore the claims made by the latter were dismissed in a perfunctory manner.

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

6. The marriage contract executed between the parties and pursuant thereto birth of the Minor are not disputed. The parties had been residing within the jurisdiction of the learned Judge Family Court at Islamabad. The cause of action had also arisen at Islamabad. The learned counsels for both the parties, despite their able assistance, were not able to persuade this Court that the learned Judge Family Court and the learned appellate Court had misread the evidence. The learned counsel for Party no. 1 could not persuade this Court that the provisions of the Act of 1890 or the West Pakistan Family Courts Rules, 1965 have been misinterpreted by the learned Courts. While exercising jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, this Court is not required to reappraise the evidence.

7. For the above reasons, the petitions in hand are devoid of merit and thus accordingly dismissed.

CHIEF JUSTICE

Announced in open Court, on 13-11-2020.

CHIEF JUSTICE