

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

Writ petition no. 224/2023

Sidra Ghulam Rasool and another
versus
Family Judge (West), 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. |
|------------------------------|----------------------------|---|
| 1 | 24.01.2023 | M/s Hafiz Arfat Ahmad Ch. and Tariq Zaman Ch. Advocates for the petitioners. |

The petitioner is aggrieved of the impugned order dated 06.12.2022 setting aside the earlier *ex parte* order dated 17.03.2022, thereby enabling respondent no.2 to contest the suit. Learned counsel states at the outset that he would not press the impugned order to be set aside if the learned trial Court is directed to decide the suit as early as possible.

2 I have reviewed the file and find that the progress of the suit has been very slow and respondent no.2 for one reason or another has been able to stall its progress well beyond the 6 month time frame stipulated in *the Family Courts Act, 1964* for judgement in a family suit. Twice the *ex parte* orders were passed against the defendant, and twice set aside. There is apparent on the record a trend by the respondent to drag on the suit. The *ex parte* order against respondent no.2 was passed on 17.03.2022 and, on the next date of hearing on which the plaintiff's evidence was to be produced, respondent no.2 moved an application to set aside the *ex parte* order, and it took 8 months from then for the learned family court to pass a one-page order on that application to set aside the *ex parte* order. This situation calls for rectification. Therefore, given the concession of the learned counsel aforesaid, this petition is **disposed of** with the direction to the learned family court to decide the suit within 2 months, and to deal with any obstructive conduct by a combination of escalating adjournment costs and once-only final opportunities.

(Sardar Ejaz Ishaq Khan)
Judge