

ORDER SHEET

IN THE ISLAMABAD HIGH COURT,
ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No.4870 of 2022

Mst.Farzana Begum

VERSUS Deputy Commissioner, etc.

Serial No. of order of proceedings	Date of order of proceedings	Order with signatures of judge, and that of parties of counsel, where necessary.
1	2	3

29.12.2022

M/s Muhammad Shahid Kamal Khan and
Waleed Saeed Sheikh, Advocates.

Through the instant writ petition, petitioner impugned order dated 08.12.2022 passed by respondent No.1 and the order dated 17.08.2022 passed by respondent No.2.

Learned counsel *inter alia* contends petitioner got married to the respondent in the year 1995, out of the wedlock 2 daughters namely Rida Maryam and Bushra Siraj were born; that on the night between 27/28-08-2021 respondent No.3 pronounced Tilaq to the petitioner in presence of his daughters and also issued in-writing divorce on a paper; that on the morning of 28.08.2021, respondent No.3 verified the pronouncement of Talaq in presence of Ghulam Rasool son of Muhammad Diwan and Muhammad Ahsan Ghazi.

It is further contends that on 06.10.2021, petitioner filed an application before respondent No.2 for issuance of Effectiveness Certificate of the divorce and notice whereof were issued wherein respondent No.3 appeared before respondent No.2 on 10.11.2021 and confirmed that he had pronounced Talaq to the petitioner on 28.08.2021; that after recording of the statement of the parties on 29.12.2021, the

respondent No.2 stopped the proceedings on the application filed by the petitioner and the same was consigned to the record; that the said order was assailed before respondent No.1 through Revision Petition and the same was accepted and the matter was remanded back to respondent No.2 for afresh decision in accordance with law; that subsequent to the said order, the petitioner filed another application on 21.06.2022 before respondent No.2 for issuance of Certificate of Effectiveness of Talaq, whereafter notices were issued and respondent No.3 appeared in person, who resiled from his previous statement as recorded by respondent No.2 in the previous proceeding conducted; that the order dated 17.07.2022 passed by respondent No.2 was again assailed by the petitioner through revision petition dated 07.09.2022; that vide order dated 08.12.2022 respondent No.1 dismissed the revision petition filed by the petitioner, which is against law and prejudice to the rights of the petitioner.

Questions raised need consideration.

Notice to the respondent No.3. His service be effected through SHO concerned.

C.M. No.1-E of 2022

Dispensation sought for is allowed subject to all just and legal exceptions.

**(ARBAB MUHAMMAD TAHIR)
JUDGE**