

Form No: HCJD/C-121.

**ORDER SHEET.**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**

**Writ Petition No.2473 of 2021**

**Tabbasum Javed Kiani**

**Vs.**

**Senior Civil Judge-II (Guardian) (East) Islamabad and others**

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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<b>02.</b>	<b>13.12.2021.</b>	<b>Mr. Usman Ahmad Ranjha and Mian Haseeb Ali Bhatti, Advocates for the petitioner. Raja Nisar Ul Haq, Mr. Tahir Afzal Abbasi and Mr. Shahzad Kiyani, Advocates for the respondents.</b>
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The petitioner is aggrieved by order dated 22.03.2021, whereby the learned Guardian Judge has fixed interim maintenance to be paid by the petitioner as Rs.25000/- per month excluding monthly school fee and medical treatment expenses for each of the children.

2. Learned counsel for the petitioner stated that total interim maintenance allowance comes out to be approximately Rs.380,000/-, which is prohibitive. He further submitted that the petitioner is presently un-employed as he was laid off from his job in Saudi Arabia on 20.09.2020.

3. Learned counsel for the respondents submitted that the petitioner was earning over one million Rupees from his job as an engineer in Saudi Arabia. Even in the event he is not working as an engineer in Saudi Arabia any

more, he is a person of means and possesses real estate of substantial value. He submitted that the property worth of Rs. 90 lacs was sold by the petitioner seven days before the passing of the impugned order and it was reflected in the transaction document that after application of Deputy Commissioner (DC) rate the transaction was valued Rs. 40 lacs. He also placed additional documents on record regarding other real estate property owned by the petitioner. He further submitted that the maintenance that has been granted is in lieu of school fee that has been incurred by respondent No.2, as respondents No.3 to 7 are attending schools such as Beaconhouse, SuperNova and Headstart. He contends that there is no infirmity in the impugned order passed by the learned Guardian Court.

4. In rebuttal, learned counsel for the petitioner stated that the suit was filed in October 2020 and under the Family Courts Act, 1964 the suit was to be decided within a period of six months. And that the learned Family Court be directed to decide the matter within a month while keeping the ad-interim injunction granted by this Court in field.

5. This Court has perused the impugned order as well as the record produced before the

Court. The impugned order was passed on 22.03.2021, pursuant to which the Court directed that Rs.25000/-per month for each child be paid by the petitioner as interim maintenance. It is an admitted fact that respondents No.3 to 7 are school going children and are enrolled in schools and consequently fee for their education has to be paid. It is also admitted that the petitioner is the father of the respondents No.3 to 7 and is under a legal obligation to maintain them and has not paid any expenses for them from 22.03.2021 till 30.06.2021, when the learned Guardian Court ordered to petitioner to clear all outstanding maintenance amount as fixed by it.

6. In view of the above facts, there is no infirmity in the impugned order and the maintenance amount fixed on interim basis. Consequently, the petition is **dismissed** with a cost of Rs. 10,000/- payable by the petitioner to respondent No.2 within a period of seven days. The learned Guardian Court is directed to decide the matter within period of thirty (30) days.

**(BABAR SATTAR)**  
**JUDGE**