

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

**Writ Petition No. 344 OF 2017**

**Mst. Afshan Qazi**

**Vs.**

**Learned Judge Family Court, Islamabad etc.**

<b>S. No. of order/ proceedings</b>	<b>Date of order/ Proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
	<b>21.09.2022.</b>	<b>M/s Rakshanda Azhar and Akseer Ahmed Abbasi, Advocates for Petitioner. Mr. Mazhar Ul Haq Hashmi, Advocate for Respondent No.2.</b>

Through the instant petition, the Petitioner [Mst. Afshan Qazi] has assailed the Order dated 13.07.2016 ("Impugned Order I") and Order dated 15.11.2016 ("Impugned Order II") passed by the Respondent No.1 [Judge Family Court, (West) Islamabad].

2. The learned counsel for the Petitioner submits that the Petitioner had filed suit for recovery of maintenance allowance on 17.07.2012 against the Respondent No. 2, which was decided on 31.03.2016. Thereafter Respondent No. 2 filed an application under Section 476 Cr.P.C against the Petitioner, wherein the two Impugned Orders dated 13.07.2016 and 15.11.2016 were passed.

3. The learned counsel for the Petitioner submits that an application was moved by the Respondent No.2 for provision of bank record of the Petitioner which was irrelevant to the proceedings under Section 476 Cr.P.C.

Despite the foregoing, the Impugned Order I was passed wherein the concerned bank was directed to provide the requisite record of the Petitioner in court. In so far as the Impugned Order II dated 15.11.2016 is concerned, the learned counsel for the Petitioner argued that the bank record could have been submitted by the Respondent No. 2 himself and even otherwise has no nexus with the proceedings pursuant to the application under Section 476 Cr.P.C.

4. On the other hand the learned counsel for the Respondent No.2 submits that the suit filed by the Petitioner was disposed of and the Respondent No.2 is paying maintenance regularly therefore the instant writ may be dismissed.

5. I have heard the learned counsel for the parties and as noted above, the issue pertains to the orders passed in respect of the proceedings initiated pursuant to the application under Section 476 Cr.P.C., which was filed after disposal of the suit for recovery of maintenance filed by the Petitioner.

6. Be that as it may, the Impugned Order I dated 13.07.2016 whereby the concerned bank was directed to provide the requisite record of the Petitioner has already been complied with and such report was received by the learned Family Court as noted in order dated 06.10.2016, whereas the instant writ

challenging the Impugned Order I was filed in January, 2017 as such it was infructuous to the extent of Impugned Order I dated 13.07.2016.

7. In so far as the Impugned Order II dated 15.11.2016 is concerned, perusal of the same shows that by way of such order Respondent No.2 was directed to bring documents to the concerned bank whereas bank was directed to verify the same and submit its report regarding genuineness of the documents thereafter. Be that as it may, summoning of bank record of Respondent No.2 and seeking verification thereof from such bank does not prejudice of the Petitioner in any manner whatsoever and as such she is not an aggrieved party.

8. In view of the above the writ petition is **dismissed**.

**(SAMAN RAFAT IMTIAZ)**  
**JUDGE**