

Form No: HCJD/C-121
ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.4186 of 2021

Rizwan Ullah Khalidi

VS

Learned Additional District Judge, Islamabad (West) and 05 others.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
01.	29.11.2021	Syed Zulfiqar Abbas Naqvi and Mr. Mudassar Hussain Malik, Advocates for the petitioner.

Through the instant petition, the petitioner has challenged the judgment and decree dated 13.10.2021, passed by respondent No.1 as well as consolidated judgment and decree dated 28.05.2021, passed by respondent No.2.

2. Learned counsel for the petitioner, *inter-alia*, contends that learned Judge Family Court / respondent No.2 has granted the relief to respondents No.3 to 6, wherein mother of the minors / respondent No.3 was held entitled for past maintenance at the rate of Rs.20,000/-, whereas respondent No.1 / appellate court has enhanced the maintenance from Rs.20,000/- to Rs.40,000/-, future maintenance of each minor was granted at the rate of Rs.10,000/, and respondent No.1 has enhanced the same from Rs.10,000/- to Rs.50,000/- each, per month with 10% annual increase, future

maintenance of wife i.e. respondent No.3 was also fixed at the rate of Rs.20,000/- and respondent No.1 has enhanced the same at the rate of Rs.50,000/- per month. The said enhancement of the amount is very exorbitant and is not according to financial position of the petitioner. No evidence has been produced before learned trial Court by the respondents that petitioner can afford such maintenance of the huge amount to the minors and his wife, impugned orders are erroneous and are not tenable under the law, hence the same are liable to be set-aside.

3. Points raised, need consideration.
Notice to the respondents.

4. Re-list on **22.12.2021.**

C.M. No.01 of 2021.

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

C.M. No.02 of 2021.

Notice. Meanwhile operation of the impugned order dated 13.10.2021, passed by learned Additional District Judge-West, Islamabad is suspended, however, the petitioner is directed to pay maintenance and other expenses to the minors and his wife as per order dated 28.05.2021, passed by respondent No.2. Restraining order shall cease to exist and expire automatically, if not

extended specifically on the next date of hearing.

(TARIQ MEHMOOD JAHANGIRI)
JUDGE

M. Zaheer Janjua

FOR READ ONLY (UNCERTIFIED COPY)