

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

**Writ Petition No.1945 of 2021**

Rafaqat Khan

VS

Jamila Begum and 03 others.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
01.	03.06.2021	Mr. Muhammad Jamil Malik, Advocate for the petitioner.

Through the instant petition, the petitioner has challenged order dated 26.03.2021, passed by learned Senior Civil Judge-II (Guardian), East-Islamabad, whereby right of the petitioner to file written statement was struck off.

2. Learned counsel for the petitioner, *inter-alia*, contends that the law favours adjudication on merits rather than on technicalities, no proper opportunity for filing of written statement was provided to the petitioner. Learned counsel further contends that learned Trial Court was supposed to allow the petitioner to file the written statement and after framing of issues, decide the matter in accordance with law, hence impugned order is liable to be set-aside as it is not tenable under the law.

3. Points raised need consideration.

Notice to the respondents.

4. Re-list.

**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.

(TARIQ MEHMOOD JAHANGIRI)  
JUDGE

M. Zaheer Janjua.

FOR READ ONLY (UNCERTIFIED COPY)