

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

**Writ Petition No. 1866 of 2022**

**Sardar Rizwan Khan**

Versus

**Dr. Humaira Almas, 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>                  |
|-------------------------------------|-----------------------------------|-------------------------------------------------------------------------------------------------------|
|                                     | 26.10.2022                        | Mr. Tahir Habib Kayani, Advocate for petitioner.<br>Mr. Rizwan Akhtar Awan, Advocate for respondents. |

Through the instant writ petition, petitioner impugns order dated 28.04.2022, *whereby his right to adduce evidence and defend the suit was struck of.*

The respondent filed *suit for recovery of maintenance allowance, dowry articles, personal belongings & gold ornaments weighing 18 tolas*. After issuance of notices, the learned Trial Court in terms of 17-A of the Family Courts Act, 1964 directed the petitioner to pay interim maintenance. The petitioner failed to comply with the direction which resulted in closure of his right to adduce evidence and to defend the suit.

In response to notices in the instant writ petition, learned counsel for the respondents entered appearance and submitted that he would have no objection over setting aside of the order dated 28.04.2022 impugned herein, provided that the petitioner shall pay the entire outstanding interim maintenance pursuant to order dated 24.02.2022, passed by the learned Trial Court.

When confronted with the above, learned counsel for the petitioner conceded to offer, so made by learned counsel for the respondents and prays to dispose of the instant writ petition on the same terms.

Ordered accordingly. Impugned order dated 28.04.2022, is set-aside subject to deposit of entire outstanding interim maintenance by the petitioner before the learned Trial-Court within one month. It is clarified that in case, petitioner fails to honour his statement as recorded before this Court, the instant writ petition shall be deemed to have been dismissed.

**Disposed of in above terms.**

**(ARBAB MUHAMMAD TAHIR)**  
**JUDGE**

**\*\*//Kamran//\*\***