

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No.3862/2021

Muhammad Nawaz

Versus

Additional District Judge (East), Islamabad, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
01.	29.10.2021	Malik A. Latif Khokhar, Advocate for the petitioner.

Through the instant petition, the petitioner has assailed judgments and decree dated 14.09.2021 and 19.05.2021, passed by respondents No.1&2 respectively.

2. Learned counsel for the petitioner, *inter alia*, contended that the learned Trial Court awarded maintenance to the extent of children in the sum of Rs.3000/- each with 10% annual increase and Rs.5000/- for respondent No.3. It was contended that the petitioner also filed suit for restitution of conjugal rights against the respondent which was decreed in his favour and execution petition is pending. It was submitted that in the presence of execution petition pending for restitution of conjugal rights, award of maintenance was not maintainable.

3. Notice to respondents No. 3 to 5.

C.M. No.01/2021

Notice. The impugned judgment and decree is suspended to the extent of respondent No.3.

C.M. No.02/2021

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

(AAMER FAROOQ)
JUDGE