

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

W.P. No.2334-2021

Imran Qaiser

Vs.

Judge Family Court, West-Islamabad etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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31.03.2022

Mr. M. Nasir Shehzad, Advocate for petitioner.
Syed Faizan Ali Gardezi, Advocate and Syed Ijaz
Ahmed Gillani, Advocate for respondents No.2
& 3.

The instant petition calls in question order dated 09.06.2021, whereby learned trial court (respondent No.1) awarded Rs.50000/- as ad-interim maintenance to respondent No.3.

2. Learned counsel for the petitioner *inter alia* contended that under the facts and circumstances, ad-interim maintenance is not realistic and is high; in this behalf, it was contended that petitioner is not a person of means and is suffering from indisposition which involved expenditure for medical treatment hence he is unable to afford the same.

3. Learned counsel for respondents No.2 & 3 *inter alia* contended that impugned order was passed after taking into account the resources of the petitioner and after recording his statement.

4. Arguments advanced by learned counsel for the parties have been heard and the documents, placed on record, examined with their able assistance.

5. The grievance, leading to filing of instant petition, has been mentioned hereinabove.

6. The petitioner is aggrieved of fixation of ad-interim maintenance in the sum of Rs.50,000/-. The examination of the impugned order shows that the same was passed after recording the statement of the parties and keeping in view the pleadings.

7. This Court was informed that the main petition/suit is still pending. The impugned order was passed in June, 2021 and since then, almost nine months have lapsed. As reflected in the impugned order, it was passed on the statement of the parties and after comparing the same; nothing was brought on record to contradict that any observation made in the impugned order is not correct.

8. It is trite law that a writ petition, against ad-interim order, is not maintainable unless same suffers from gross illegality or jurisdictional error, which is not the case in the petition in hand.

9. In view of foregoing, no interference, as such, is required in the impugned order, however, it would be appropriate that suit for recovery, filed by respondents No.2 & 3, be disposed of expeditiously.

10. For the above reasons, instant petition is without merit hence is dismissed, however, learned trial court is directed to conclude the trial within a period of three months from the date of receipt of this order.

(AAMER FAROOQ)
JUDGE

