

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

W.P. No.3808-2019

Syed Faizan Asif

Vs.

The Judge, Family Court, East-Islamabad 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>
---	---	--

01.11.2019      Mr. Imran Haider Shah, Advocate for petitioner.

Through the instant petition, the petitioner has assailed order dated 11.10.2019, whereby his right to file written statement of amended plaint, was struck off.

2.      Learned counsel for the petitioner, *inter alia*, contended that due to misunderstanding, counsel for the petitioner was unaware about filing of written statement hence needful could not be done in time.

3.      Arguments advanced by learned counsel for the petitioner have been heard and the documents, placed on record, examined with his able assistance.

4.      The petitioner is the defendant in the suit filed by respondents Nos.2 & 3. The matter is pending for almost more than a year.

5.      It is trite law that a petition under Article 199 of the Constitution is not maintainable against an interim order unless the same is patently illegal or without jurisdiction. In the instant case, respondent No.1 vide order dated 17.09.2019 made it clear that written statement is to be filed, failing which, right of filing the same shall be closed, however, despite the said order, petitioner did not file written statement; consequently, impugned order was passed. The

order dated 11.10.2019 does not suffer from any jurisdictional error or illegality warranting interference.

6. In view of above, instant petition is without merit and is dismissed in limine.

**(AAMER FAROOQ)**  
**JUDGE**

Zawar