

Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

W.P. No. 2625 of 2021

Muhammad Touseeq Danial Bhatti
Vs
Ms Ayesha Naeem, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
01)	<u>19-07-2021.</u>	Mr Khurram Mahmood Qureshi Advocate, for the petitioner.

ATHAR MINALLAH, C.J.- Muhammad Touseeq

Danial Bhatti son of Muhammad Shafique Bhatti [hereinafter referred to as the "**Petitioner**"] has invoked the jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 [hereinafter referred to as the "**Constitution**"] assailing judgments and decrees, dated 27.04.2021 and 17.12.2020, rendered by the learned Additional District Judge, (East) Islamabad and the learned Family Court, (East) Islamabad, respectively.

2. The facts, in brief, are that Ms Ayesha Naeem daughter of Naeem Akhtar [hereinafter referred to as "**Respondent no. 1**"] filed a suit on 15.01.2019, seeking recovery of maintenance and dowry articles. The Petitioner and Respondent no. 1 had entered into a marriage contract on 26.07.2014. During subsistence of the marriage the parties were blessed with a daughter namely, Malaika [hereinafter

referred to as the "**Minor**"]. The marital disputes between the parties led to dissolution of marriage. The suit was filed by Respondent no. 1 and it was contested by the Petitioner by filing written statement. Out of the divergent pleadings of the parties, the learned Family Court vide order, dated 01.10.2020, framed four issues. After recording of evidence and affording an opportunity of hearing to the parties, the suit was partially decreed in favour of Respondent no. 1. The learned Family Court determined an amount of Rs.30,000/- (rupees thirty thousand) per month as maintenance of the Minor alongwith 10% annual increase. The Petitioner preferred an appeal and it was dismissed by the learned Additional District Judge, (East) Islamabad.

3. The learned counsel for the Petitioner has been heard at length. He has mainly argued that the latter is unemployed and, therefore, he is not in a position to pay the decreed maintenance amount. The learned counsel has further contended that the learned courts have misread the evidence. He has argued that the business of running a 'tea/refreshment stall' does not generate sufficient income. The petitioner admits his liability regarding the Minor but the amount determined by the learned Family Court is beyond his financial capacity.

4. The learned counsel has been heard and the record perused with his able assistance.

5. The Petitioner has invoked the constitutional jurisdiction of this Court assailing concurrent findings of two competent courts. The judgments rendered by both the courts are well reasoned and do not suffer from any legal infirmity. While exercising jurisdiction under Article 199 of the Constitution, this Court cannot reappraise the evidence nor substitute the opinion formed by a competent court. The ground of jurisdictional error has not been raised. This Court has no reason to interfere with the well-reasoned concurrent findings.

6. The petition is, therefore, without merit and accordingly **dismissed in limine.**

(CHIEF JUSTICE)