

Form No: HCJD/C-121.

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

Writ Petition No. 4011 of 2021

Azhar Fiaz

Vs

Worthy Additional District Judge-IV, 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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12-11-2021.

Mr. Ali Waqas Sheikh, Advocate for the petitioner.

The petitioner is aggrieved by judgment and decree dated 07.04.2021 through which maintenance of respondent No.3, minor daughter of the petitioner, was fixed as Rs.15,000/- and the judgment and decree of the learned Additional District Judge dated 12.07.2021 pursuant to which the appeal against said judgment and decree of the learned Family Court was dismissed.

2. Learned counsel for the petitioner submitted that the petitioner was unwell at the time that the impugned judgment and decree were passed by the learned Family Court and his counsel did not inform him regarding the judgment and decree. That on 19.05.2021 counsel for the petitioner informed him via text message that suit for recovery of maintenance had been decreed

against him. The learned counsel for the petitioner submitted that the period of limitation had already expired and the petitioner subsequently filed an appeal which was also dismissed being time barred.

3. The argument of the petitioner is that the impugned judgments and decrees suffer from infirmity merely because the petitioner had sufficient cause for not appearing on the date on which the impugned judgment and decree were passed. That it was due to negligence of his counsel that the said judgment and decree were not brought to the attention of the petitioner and this fact of the matter was not appreciated by the learned appellate court. The submission of the learned counsel for the petitioner is misconceived. In the event that the petitioner's duly authorized and appointed counsel failed to appear before the court on the date on which the judgment and decree were passed, the remedy of the petitioner lies against such counsel and burden of any delinquency on part of his counsel cannot be shifted to respondents No. 3 and 4.

4. The learned counsel for the petitioner has failed to point out any infirmity either in the judgment and decree passed by the

learned Family Court pursuant to which the maintenance in the amount of Rs.15000/- has been fixed for the petitioner's minor daughter nor has been able to point out any infirmity in the Judgment of the learned Additional District Judge. The learned counsel has also not pointed out any misreading or non-reading of evidence on part of the learned Family Court and has failed to establish that the amount of maintenance fixed by the learned Family Court is prohibitive in view of means of the petitioner.

5. For the aforesaid reasons, this petition is without merit and is dismissed **in limine**.

(BABAR SATTAR)  
JUDGE

*Saeed.*