

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P.No.3381/2019
Nabeel Hayat
Versus
Judge Family Court and another

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	17.10.2019	Malik Shahid Mahmood Kandwal, Advocate for the petitioner. Mr. Zahid Ayub Rathore, Advocate for respondent No.2.

Through the instant writ petition, the petitioner, Nabeel Hayat, impugns the order dated 20.07.2019 passed by the learned Judge, Family Court, whereby his right to cross examine respondent No.2/plaintiff's witnesses was closed.

2. The record shows that the suit for dissolution of marriage, etc was filed on 27.09.2018. Written statement was filed on 04.02.2019. Issues were framed on 02.03.2019. The evidence of respondent No.2's witnesses was recorded on 15.06.2019. The matter was adjourned to 06.07.2019 for cross examination of respondent No.2's witnesses. On the said date, there was a strike. On 20.07.2019, the learned Trial Court closed the petitioner's right to cross examine respondent No.2's witnesses. At no material stage, was any notice under Order XVII, Rule 3 of the Code of Civil Procedure, 1908 ("C.P.C.") given to the petitioner.

3. Learned counsel for the petitioner submitted that if one opportunity is given to the petitioner, he would cross examine respondent No.2's witnesses.

4. Learned counsel for respondent No.2 showed grace by submitting that the impugned order dated 20.07.2019 may be set aside with

costs provided the petitioner does not prolong the proceedings before the learned Trial Court.

5. In view of the said submission of the learned counsel for respondent No.2, the instant writ petition is allowed subject to the payment of costs of Rs.5,000/- payable by the petitioner to respondent No.2 on the next date of hearing before the learned Trial Court. It is expected that the learned Trial Court would decide the suit expeditiously and not entertain unnecessary requests for adjournments by the petitioner.

6. Disposed of in the above terms.

**(MIANGUL HASSAN AURANGZEB)
JUDGE**

*Ahtesham**