

Form No: HCJD/C-121
ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.3255 of 2019

Mst. Naveed Musarat.

VS

Qazi Umer Khatab and 02 others.

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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11.04.2023 Mr. Zubair Ullah Ranjha, Advocate for the petitioner in the instant petition and respondents No.1 and 2 in Writ Petition No.2854 of 2019.

Mian Asad Ahmed, Advocate alongwith respondent No.1 in the instant petition and petitioner in Writ Petition No.2854 of 2019.

Learned counsel for respondent No.1 / Qazi Umer Khatab, in the instant petition and petitioner in Writ Petition No.2854 of 2019, has argued that the learned Judge Family Court has awarded monthly maintenance at the rate of Rs.5,000/- to the petitioner / Mst. Naveed Musarat, who is wife of respondent No.1, which was upheld by the learned Additional District Judge-V, East-Islamabad vide order dated 09.05.2019. Learned counsel further submits that in light of the Rule 277 of Principles of Muhammadan Law and law laid down in cases reported as "*Mst. Parveen Khan v. Abdul Ghafoor and 2 others.*" **(2016**

CLC 932), "Mst. Ishrat Bibi v. Muhammad Arshad and another." (2013 MLD 537), the petitioner is not entitled for grant of maintenance as she left the house without consent of respondent No.1 and she is disobedient wife, respondent No.1 has accepted all the demands raised by the petitioner by providing a separate accommodation and for giving a proper education to the minors and maintenance, etc. to the petitioner but she has refused to live with respondent No.1 and demanded the purchase of the house and property in her name, which demand is illegal and unjustified, hence the impugned orders are erroneous and are liable to be set-aside.

2. Learned counsel for respondent No.1 is directed to assist the Court and provide case laws on the points raised by him that the concurrent findings of both the learned lower courts have been set-aside by the High Court in writ of certiorari, in similar circumstances.

3. Learned counsel for the petitioner is also directed to provide case law on the proposition in the matter.

4. Re-list after two weeks.

(TARIQ MEHMOOD JAHANGIRI)
JUDGE