

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P No.231 of 2022

Ghazala Asjad

Vs.

Assistant Commissioner/Sub-Divisional Magistrate (City) and another

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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28.08.2023.

**Mr. Jameel Hussain Qureshi, Mr. Azhar Yousaf,
Mr. Qaiser Mansoor and Ms. Almas Bano,
Advocates for the Petitioner in their respective
Petitions.**

**Barrister Munawar Iqbal Duggal, Additional
Attorney General, Rana Imran Farooq, AAG and
Ms. Sadia Kiran Shahzadi, State Counsel.**

1. The learned Additional Attorney General has appeared and submits that the matter regarding Executive Magistrates is also pending before the Supreme Court against the judgment of Balochistan High Court reported as *Muhammad Kamran Mullahkhail vs. Government of Balochistan through Chief Secretary*, PLD 2012 Balochistan 57. However, he seeks some time to confirm whether the said judgment has been suspended and also the effect thereof on this Court's power to issue direction to the Federal Government to issue notification in accordance with Section 1(2) of the Code of Criminal Procedure (Amendment) Ordinance, 2001.

2. Both the learned counsels also seek time to assist this Court whether or not the issue may not be resolved expediently by issuing direction to the Federal Government to issue Notification pursuant to Section 5(3) of the Family Courts Act, 1964 and for the High Court to invoke the said Section to empower the Family Courts to take up the matters regarding polygamy as per Section 6(5) of the Muslim Family Law Ordinance, 1961 and also the effect of any such notification on the pending cases before the Executive Magistrates, if issued.

3. The learned counsel for the Petitioner shall also submit his arguments with regard to powers of the High Court to take *suo moto* action as detailed in the Order dated 03.08.2023.

4. Relist on 11.09.2023.

(SAMAN RAFAT IMTIAZ)
JUDGE