

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

W.P.No.213/2019  
Asim Irfan  
Versus  
Huma Inayat, etc

Sino. of order / Proceedings	Date of Order /Proceedings	Order with signature of Judge and that of parties or counsel where necessary
	21.01.2019:	Ch. Aziz ur Rehman Zia, Advocate for petitioner.

Through the instant writ petition, the petitioner, Asim Irfan, impugns the judgment dated 04.12.2018, passed by the Court of learned Additional District Judge, Islamabad, whereby the petitioner's appeal against the judgment and decreed dated 17.07.2018, passed by the learned Judge Family Court, Islamabad, was dismissed. Vide the said judgment and decree dated 17.07.2018, the learned Family Court had decreed respondents No.1 and 2s' suit for recovery of past, present and future maintenance, etc.



The learned Appellate Court has dismissed the petitioner's appeal on the ground of limitation.

The judgment and decree was passed by the learned Family Court on 17.07.2018. The petitioner applied for the certified copies of the said

judgment and decree on 05.11.2018, and on the very same day, they were delivered to the petitioner. The appeal had been filed before the learned Appellate Court on 14.11.2018. The learned Appellate Court has correctly observed that the petitioner had 30 days within which to file an appeal against the said judgment and decree passed by the learned Family Court.

Being cognizant of the fact that the appeal was filed beyond the limitation period provided by law, the petitioner had also filed an application for condonation of delay alongwith his appeal. In the said application, the petitioner had pleaded that the appeal could not be filed within time due to the serious illness of the petitioner's mother. The documents on which the petitioner placed reliance upon show that the petitioner's mother had suffered from ailments, but they were not such as would have rendered the petitioner unable to file an appeal against the judgment and decree passed by the learned Appellate Court. Since the petitioner's appeal was time



barred by about two and half months; and since the petitioner was unable to explain the delay of each day in filing the appeal, I have been given no reason to interfere with the Appellate judgment dated 04.12.2018. The discretion exercised by the learned Appellate Court in dismissing the petitioner's appeal on the ground of limitation does not suffer from any jurisdictional irregularity so as to warrant interference in the Constitutional jurisdiction of this Court. Consequently, the instant petition is dismissed in limine.

  
\*M.A. Raza\*

  
(MIANGUL HASSAN AURANGZEB)  
JUDGE