ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

W.P. No. 4467 of 2025

Mst. Aamenah Rahat
Vs
Learned District & Sessions Judge, West-Islamabad and 2 others

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	31-10-2025.	Ms. Aneela Ateeq Advocate for the Petitioner.

1. The Petitioner [Mst. Aamenah Rahat] has prayed for direction to the Respondents No. 1 and 2 [learned District and Sessions Judge, West-Islamabad and the learned Judge Family Court, West-Islamabad] to decide the matter of the Petitioner expeditiously and the Respondent No. 1 to release the record to the Respondent No. 2 for the adjudication of the matter on merits.

2. The brief facts, as per the Memorandum of Petition, are that the Petitioner filed a Suit for Dissolution of Marriage on the basis of cruelty and in alternate for termination of wedlock on the basis of Khula against the Respondent No. 3 [Muhammad Asif Ehsan]. The Suit is pending before the Respondent No. 2/ Family Court and is fixed for final arguments. Earlier the Petitioner filed an application for early disposal of the Suit before the Respondent No. 1/District Judge which was disposed of with direction to the Respondent No. 2/Family Court to

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adjudicate upon the matter according to law. The Respondent No. 3 entered appearance before the Respondent No. 2/Family Court on 5-7-2025 and sought time to submit *Vakalatnama* and thereafter delayed the matter on one pretext or another by filing frivolous applications and raising unnecessary objections. The Petitioner recorded her statement regarding hatred developed against the Respondent No. 3 and requested for termination of wedlock under Section 10(2) of the Family Courts Act, 1964 and at that time the learned counsel for the Respondent No. 3 was also present but the matter was not decided and fixed for order/ decision. In the meantime, the learned counsel for the Respondent No. 3 filed an application for issuing direction to follow legal formalities and procedure of law before the Respondent No. 1/District Judge and during proceedings of the same the learned counsel for the Respondent No. 3 filed another application for transfer of the Suit. The record of the Suit was sent by the Respondent No. 2/Family Court to the Court of the Respondent No. 1/District Judge while submitting the comments. Despite the fact that the proceedings were not stayed by the Respondent No. 1/District Judge now the Respondent No. 2/Family Court is not proceeding further in the Suit. The Petitioner being aggrieved of the acts and procedure adopted by the courts below has filed the instant Petition.

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3. The learned counsel for the Petitioner submitted that the justice delayed means justice denied and the matter is of summary procedure for which there is no special procedure provided in law for the conclusion of trial as such seeks direction to the Respondents No. 1 and 2 as prayed for. The learned counsel for the Petitioner contended that based on the statement of the Petitioner recorded on 1-10-2025 the Family Court according to Section 10(5) of the Family Courts Act was liable to straightaway dissolve the marriage on the basis of khula but that instead of doing so the proceedings are lingering on. She argued that the Respondent No. 2/Family Court is not proceeding with the matter even though the Respondent No. 1/District Judge has not stayed the proceedings in view of the pendency of the transfer application.

4. I have heard the learned counsel for the parties and have also perused the record.

5. Perusal of the Memorandum of Petition shows that the Petitioner has filed Suit for dissolution of marriage on the basis of cruelty and in alternate sought dissolution of marriage on the basis of khula. Furthermore, the Petitioner in her Plaint alleged physical abuse by the Respondent No. 3. She stated that on 1-10-2025 the Petitioner recorded her statement stating that she had developed hatred due to physical and mental abuse at the hands of the

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Respondent No. 3 and the Family Court instead of dissolving the marriage under Section 10(5) adjourned the matter further and still the matter is lingering on. However, the order dated 1-10-2025 only reflects that the Petitioner recorded her statement online. There is no pronouncement that the reconciliation proceedings failed or otherwise. The order simply adjourned the matter for further proceedings to 6-10-2025. In any event, the order dated 1-10-2025 is not under challenge in this Petition.

6. The Petitioner is simply seeking direction for expeditious disposal. Admittedly the record has been sent by the Respondent No. 2/Family Court to the Respondent No. 1/District Judge (although there is no order to such effect on the record before me). In any event, as far as prayer for release of record to Respondent No. 1/District Judge is concerned, the same may be raised before the Respondent No. 1/District Judge and as such the Petitioner has an alternate remedy.

7. Insofar as prayer for direction for expeditious proceedings are concerned, the record reflects that on 27-9-2025 the transfer application was filed and on the same date notice to the Petitioner was issued for 4-10-2025. On the said date, the Respondent No. 1/District Judge was on leave and the matter was adjourned to 11-10-2025. On 11-10-2025

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notice to the Petitioner was repeated for 22-10-2025. On 22-10-2025 power of attorney was filed on behalf of the Petitioner and arguments on her behalf were also advanced and the matter was adjourned for arguments of the learned counsel for the Respondent on 01-11-2025. Thus, it is apparent that in the month of October, 2025 the matter has been fixed for four times. In any event, the matter is now fixed on 01-11-2025 which is tomorrow. The record does not reflect any delay in the proceedings nevertheless it goes without saying that it is expected that the courts below will proceed with the matter without any undue delay.

8. The instant Petition is **disposed of** in the above terms.

(SAMAN RAFAT IMTIAZ)
JUDGE

Tanveer Ahmed/*

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