

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

**Writ Petition No. 1105 of 2026**

**Ameer Hamza Khalid and another**

**Vs**

**Dr. Saffa Tayyaba 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. |
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|  | <u>09-3-2026.</u> | <b>Mr. Sajid Mehmood Shad Advocate for the petitioners.</b> |
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1. The Petitioners [Ameer Hamza Khalid and Khalid Mehmood] have assailed the Order dated 04-12-2025 (“**Impugned Order**”) passed by the learned Judge Family Court, Islamabad-West (“**Family Court**”) whereby the Petitioners’ right to cross-examine the Respondents’ witnesses was struck off.

2. The brief facts, as per the Memorandum of Petition, are that the Petitioner No. 1 and the Respondent No. 1 got married on 14-10-2021. The relations between the spouses became strained and on 27-1-2023 the Respondent No. 1 filed Suit for recovery of Maintenance, Gold Ornaments, Dowry Articles and Pre-delivery expenses. On 23-7-2024 the Respondent No. 1 filed her Affidavit-in-Evidence and the matter was adjourned to 21-9-2024 and 12-10-2024 for further evidence by the Respondents and cross examination by the Petitioners. On 18-11-2024 three further affidavits were filed in evidence by the Respondents and the matter was adjourned to 21-12-2024 for cross examination by the Petitioners’ side. On 12-4-

2025 documentary evidence of the Respondents was recorded and the matter was adjourned to 07-5-2025. On the said date adjournment was sought by the Petitioners side on the ground that the learned counsel is busy before the Supreme Court of Pakistan. The matter was adjourned to 29-5-2025 for further evidence of the Respondents and cross examination by the Petitioners. On 29-5-2025 an application was filed by the Respondents seeking production of additional evidence. The matter was adjourned for written reply of the application to 28-6-2025, 16-7-2025, and 26-7-2025 and ultimately the same was filed on 19-9-2025 which was discarded by the Family Court and the application was dismissed on the ground of being not maintainable. On the said date the Respondent party was directed to conclude the evidence and the Petitioners were directed to cross examine the witnesses. On 21-10-2025 last chance was granted to the Petitioners for cross examination. On 24-11-2025 the matter was kept pending at the request of the learned counsel for the Respondents as the witnesses were able to appear at 12:00 p.m. At the relevant time the learned counsel for the Petitioners was not available. The matter was adjourned to 04-12-2025 with a direction to the witnesses of the Respondents to appear at 8:00 a.m. and the learned counsel for the Petitioners to conduct cross examination. On 04-12-2025 nobody appeared on behalf of the Petitioners side and as such the Impugned Order was passed, hence, this Petition.

3. The learned counsel submitted that the Petitioners were only given once chance to conduct cross examination and the remaining adjournments for the purposes of cross examination were not at the behest of the Petitioners. The learned counsel submitted that the reason for non-appearance was due to wrong noting of the next date fixed

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

5. Examination of the record shows that on 13-6-2024 the right of the Petitioners to defend the suit to the extent of maintenance allowance for the minor/Respondent No. 2 was stuck off as they did not pay the interim maintenance allowance on various dates.

6. On 23-7-2024 the Respondent No. 1 filed her Affidavit-in-Evidence and three further affidavits were filed in evidence by the Respondents on 18-11-2024 and the matter was adjourned to 21-12-2024 for cross examination by the Petitioners' side. On 12-4-2025 documentary evidence of the Respondents was recorded and the matter was adjourned to 07-5-2025 for further evidence of the Respondents and cross examination by the Petitioners. On the said date adjournment was sought by the Petitioners side on the ground that the learned counsel is busy before the Supreme Court of Pakistan. The matter was adjourned to 29-5-2025 for further evidence of the Respondents and cross examination by the Petitioners. On 29-5-2025 an application was filed

by the Respondents seeking production of additional evidence. The matter was adjourned for written reply of the application to 28-6-2025, 16-7-2025, and 26-7-2025 and ultimately the same was filed by the Petitioners on 19-9-2025 and the application was dismissed on the ground of being not maintainable. On the said date the Respondent party was directed to conclude the evidence and the Petitioners were directed to cross examine the witnesses. On 21-10-2025 last chance was granted to the Petitioners for cross examination. On 24-11-2025 the matter was kept pending at the request of the learned counsel for the Respondents as the witnesses were unable to appear till 12:00 p.m. However, at the fixed time the learned counsel for the Petitioners was not available. The matter was adjourned to 04-12-2025 with a direction to the witnesses of the Respondents to appear at 8:00 a.m. and the learned counsel for the Petitioners to conduct cross examination. On 04-12-2025 nobody appeared on behalf of the Petitioners side and as such the Impugned Order was passed.

7. The learned counsel for the Petitioner candidly conceded that the reason for non-appearance was the wrong noting of the adjournment date by the counsel for the Petitioners on the previous date. Such reason is squarely on account of the Petitioners' side and cannot be attributed to the Court nor can be termed an illegality in the Impugned Order. Under the circumstance I find the Impugned Order is without any illegality or infirmity.

8. Moreover, the Impugned Order was passed on 04-12-2025 whereas the instant Petition was filed on 19-2-2026 therefore the instant Petition suffers from laches for which no explanation has been given in the Petition. In the meantime, the diary sheet submitted by the learned counsel for the Petitioners on the direction of the Court, shows that the matter proceeded for recording of evidence of the Petitioners for which purpose the Petitioners initially sought time but since then have already filed their Affidavit-in-Evidence, which shows acquiescence on the part of the Petitioners and that this petition is merely an afterthought.

9. In view of the foregoing, I am not inclined to exercise this discretionary jurisdiction in favour of the Petitioners and as such the Petition is **dismissed in limine** with all C.Ms. The office is directed to serve this Order upon the Respondents.

(SAMAN RAFAT IMTIAZ)  
JUDGE