

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Transfer Application No. 19 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGES
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- Hearing
1. For hearing of main case.
 2. For hearing of CMA No.1971/2025.

18.04.2025

Mr. Muhammad Ali Phulpoto, Advocate for the Applicant.
Mr. Abdul Monem, Advocate for the Respondent.

Pursuant to Court notice, Mr. Abdul Monem, has shown appearance, files his vakalatnama on behalf of Respondent, which is taken on record.

2. Learned counsel for the Applicant has filed application under Section 24 CPC for transfer of Civil Execution Application No.08/2024 from the Court of X1th Additional Session Judge, Karachi South and assigned the same to any other Presiding Officer having jurisdiction to decide the matter on merits. Learned counsel for the Applicant has argued that his client i.e. the Judgment Debtor was sent to civil prison vide order dated 06.02.2025 prior to the above Civil Execution Application being allowed. Learned counsel has further stated that the learned Executing Court realize the mistake almost immediately i.e. the very next date on 07.02.2025 ordered the release of the J.D., namely, Muhammad Shah Iqbal son of Dilbar Hussain. Learned counsel has stated that irrespective of the Executing Court rectifying the mistake, which was made on 06.02.2025 he has now lost confidence in the learned Presiding Officer and does not expect a fair hearing in the matter.

3. Conversely, learned counsel for the Respondent stated that instant application has been filed only to delay and prolong the proceedings. He has further stated that earlier the same Applicant had filed Revision Application and the same was dismissed by me. He has lastly argued that instant application is

another attempt to halt the proceedings, which are being conducted before the Executing Court.

4. I have heard the learned counsel for the parties and perused the record with their assistance. Learned counsel for the Applicant has failed to show any bias on the face of the record. However, it is apparent that the learned Executing Court did infact commit a mistake to send the Applicant/J.D. to civil prison vide order dated 06.02.2025. Understandably, the Applicant has lost confidence in the learned Executing Court and there is no harm in allowing the instant transfer application. In light of what has been held above, learned District Judge, Karachi South, is directed to transfer the above Civil Execution Application to any other Additional District Judge, Karachi South, within seven (07) days from today after issuing Court Motion Notice to the respective parties.

Instant Civil Transfer Application is allowed in the above terms.

JUDGE

Nadeem