

ORDER SHEET

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

**Civil Transfer App. No. S – 22 of 2025**

Date of hearing	Order with signature of Judge
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**Fresh case**

1. For orders on CMA No.763/2025 (U/A)
2. For orders on office objections at Flag-A
3. For orders on CMA No.764/2025 (E/A)
4. For hearing of main case
5. For orders on CMA No.765/2025 (Stay)

**27.05.2025**

Mr. Abdul Sattar Mahesar, Advocate for applicant.

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**Zulfiqar Ahmad Khan, J. –** This Transfer Application has been filed seeking the transfer of Family Suit No.49 of 2025 (*Re: Mst. Rimsha Batool v. Abdul Razzaque Abro*) from the Court of learned Family Judge, Khairpur to any other Court within District Khairpur having jurisdiction.

2. The primary ground urged by the applicant is that on 13.05.2025, due to illness, he could not appear, and his Counsel requested time on the ground of non-supply of the memo of plaint. However, it is alleged that the learned Presiding Officer became harsh, misbehaved with the Counsel, and fixed the matter for 17.05.2025. On that date, the application for adjournment was dismissed, and the applicant / defendant was debarred from filing the written statement. Subsequently, an application under Order IX Rule 7, CPC was filed, which the applicant claims was dismissed due to prior grudge, and the matter was kept for final order / judgment on 19.05.2025.

3. The record has been examined. Perusal of the case diaries, particularly the diary dated 26.04.2025 available at Page-23, shows that the defendant had already received a copy of the memo of plaint. Due to suspension of work by the District Bar Association, the matter was adjourned to 06.05.2025 for filing the written statement. On 06.05.2025, the defendant remained absent, though power was filed on his behalf and an adjournment application was submitted by his Counsel. The matter was

then fixed for 13.05.2025. When the same position persisted on 13.05.2025, the adjournment application was dismissed, and the defendant was debarred from filing the written statement.

4. Thereafter, on 17.05.2025, an application under Order IX Rule 7, CPC, was filed and notice was issued. The matter was then fixed for 19.05.2025. Although this case was already fixed for 03.06.2025, Counsel for the plaintiff filed an application for antedating the matter, and accordingly, it was rescheduled to 21.05.2025, and on that date, Counsel for the plaintiff filed objections on the pending application under Order IX Rule 7, CPC. It is observed from the record that on that date, the defendant and his Counsel were present but declined to receive a copy of the antedating application.

5. It is important to note that there is no mention in the diaries of any final decision on the application under Order IX Rule 7, CPC. Even if the said application is decided one way or the other, the applicant has an alternate remedy available in accordance with law for challenging the same, rather than filing a transfer application.

6. This Court is of the view that family cases are preferably to be heard by a lady Judge. Upon query, learned Counsel for the applicant concedes that there is no other lady Family Judge presently posted within the District.

7. In light of the above discussion, this transfer application is found to be devoid of merit and is accordingly **dismissed in limine** along with pending applications. However, it is directed that all pending applications before the trial Court shall be decided strictly on their own merits and in accordance with law.

J U D G E