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ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Civil Transfer Application No.S-11 of 2023

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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1. For hearing of C.M.A.No.659/2023 (S/A).
2. For hearing of main case.

08.01.2024

None present for the Applicant/Plaintiff.

Mr. Ghulam Asghar Khichi, Deputy Attorney General for Pakistan.

Mr. Asif Hussain Chandio, Advocate for respondents No.2 and 3.

Mr. Abdul Rasheed Abro, Advocate for respondents No.4 & 5.

Mr. Sikandar Ali Junejo, Advocate for respondents No.7 to 11.

Mr. Abdul Waris Bhutto, Assistant Advocate General, Sindh.

ORDER

Muhammad Saleem Jessar, J.:- Through instant Civil Transfer Application, the applicant/plaintiff has called in question order dated 30.08.2023, passed by learned District Judge, Shikarpur, while dismissing Civil Transfer Application No.11/2023 filed by the applicant, whereby he had lost trust in the Presiding Officer (Abdul Faheem Panhwar, 2nd Senior Civil Judge, Shikarpur).

Today, neither the applicant nor his counsel are in attendance.

Learned counsels for the respondents submit that due to conduct of the applicant/plaintiff, the case has been hanging upon the board of the trial Court, therefore, they have no objection if by granting instant civil transfer application, case is withdrawn from the file of 2nd Senior Civil Judge, Shikarpur and made over to any other Court having jurisdiction for its disposal in accordance with law.

Pursuant to directions, trial Court/2nd Senior Civil Judge, Shikarpur has submitted comments on 21.09.2023, whereby he has categorically denied the allegations leveled against him by the plaintiff; however, submits that the applicant who is plaintiff before him has been avoiding to proceed with the case. As far as transfer of instant case is concerned, he very candidly extended no objection if instant case is withdrawn from his file and made over to any other Court having jurisdiction.

Since there is no objection from other side for withdrawal of case therefore, application filed under section 12(2) C.P.C. by the plaintiff is hereby withdrawn from the file of 2nd Senior Civil Judge, Shikarpur and made over to 1st Senior Civil Judge, Shikarpur for its disposal according to law with directions to expedite the proceedings and conclude same preferably within a period of two months under intimation to this Court through Additional Registrar.

Let copy of this order be sent through fax to the learned District and Sessions Judge, Shikarpur with direction to communicate it to the Trial Court viz. 1st Senior Civil Judge, Shikarpur, who upon receipt copy of this order shall issue fresh process to the parties for expeditious disposal of the application filed by the plaintiff under section 12(2) C.P.C.

Instant Civil Transfer Application stands disposed of in the above terms alongwith listed application.


Judge

MA02302