

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Civil Transfer Application No.50 of 2026

Date Order with Signature(s) of Judge(s)

For hearing of main case.

17.09.2026

Mr. Aamir Zaheer Mirza, Advocate for the applicant.
Mr. Khalid Mustafa, Advocate for the respondents.

Through the instant Civil Transfer Application, the applicant seeks withdrawal of Family Suit No.131/2021 and G&W Application No.1546/2021 from the Court of XVI Family Judge, Karachi-East (**“Trial Court”**) and transfer of the same to District Malir-Karachi.

Learned counsel for the applicant contends that the parties as well as minor are residing within the local limits of P.S. Sachal, which falls within the jurisdiction of District Malir; hence, in terms of Rule VI of the Family Court Rules 1965, the Trial Court has no jurisdiction to entertain and proceed with the subject matters.

On the other hand, learned counsel for the respondents maintains that when the respondents maintained the Family Suit No.131/2021, they were residing within the territorial limits of P.S. Mubina Town, Karachi; therefore, the Trial Court has jurisdiction to entertain the suit so also the G&W Application filed by the Applicant.

Heard, record perused.

It appears from the perusal of the record that on 11.01.2021 respondents filed Family Suit No.131/2021 for dissolution of marriage by way of Khula and recovery of dowry articles and maintenance by invoking the territorial jurisdiction of P.S. Mubina Town, Karachi-East before the Trial Court. Subsequently, in the month of April, 2021 the

applicant filed G&W Application No.1546/2021 under Section 25 of the Guardian & Ward Act, 1890 before the Trial Court by invoking the territorial jurisdiction of P.S. Mubina Town Karachi-East. Later on, the respondents filed Civil Transfer Application No.3/2023 seeking transfer of both aforementioned cases from the Court of XVI Family Judge Karachi-East to any other Family Court on the ground that they have no faith and hope of fair trial from the Presiding Officer. However, this Court vide order dated 04.09.2024 disposed of the said Transfer Application by directing the Trial Court to conclude the trial and dispose of the matters in accordance with law, within three months from the date of communication of the order. Thereafter, on 18.10.2024 the applicant filed an application before the Trial Court for verification of jurisdiction and return of the family suit to the respondents/plaintiff for want of jurisdiction. The Trial Court called the reports from the SHO of P.S. Mubina Town and the bailiff, who reported that the respondents were residing within the territorial jurisdiction of P.S. Sachal, District Malir. The Trial Court; however, vide order dated 22.04.2026, dismissed the said application while observing that the change of the respondents/plaintiffs house address falling within the jurisdiction of P.S. Sachal, District Malir, was a subsequent administration development and that the Court is fully seized of the matter and possess lawful jurisdiction to proceed with and adjudicate upon the suit.

Learned counsel for the applicant failed to produce any evidence showing that on the very day when the Family Suit was filed, the address of the respondents/plaintiffs was falling within the jurisdiction of P.S. Sachal, District Malir. Even considering this position, he maintained his G&W Application before the same

Trial Court conceding the fact that the territorial jurisdiction of P.S. Mubina Town attracted to the matter. Moreover, the Trial Court has specifically been directed by this Court to proceed with the matter and decide the same within a period of three months, which direction is required to be complied with by the Trial Court in letter and spirit.

For the forgoing facts and reasons, I do not find any substance in the instant Civil Transfer Application, which is accordingly dismissed, with no order as to costs.

CHIEF JUSTICE