

IN THE HIGH COURT OF SINDH, KARACHI

Civil Transfer Application No.7 of 2026

Before:

Mr. Justice Zafar Ahmed Rajput, CJ

Applicant	:	Mst. Ayesah Farooq D/o Sheikh Farooq, through Mr. Tarique Ali, Advocate.
Respondent No.1	:	Umair Shaikh S/o Sheikh Umer Daraz, through Mr. Ghulam Shabbir Buledi, Advocate.
Respondent No.2	:	The learned XVIII Judicial Magistrate/ Family Judge at Karachi Central, (Nemo).
Date of hearing	:	31.08.2026
Date of Order	:	23.09.2026

ORDER

ZAFAR AHMED RAJPUT, CJ:- Through the instant Civil Transfer Application, the applicant/respondent seeks transfer of Guardain & Ward Application No.3098/2024 from the Court of XVIIIth Family Judge, Karachi-Central ("**Trial Court**") to any other Court having jurisdiction.

2. Learned counsel for the applicant has contended that the Presiding Officer of the Trial Court is giving priorities and favour to the respondent No.1 and enforcing the order upon the applicant arbitrarily; that the respondent No.1 failed to lead evidence on several dates; however, the Presiding Officer granted adjournments to him frequently prejudicing the right of the applicant to an expeditious trial; that the conduct of the Presiding Officer is abusive, creating apprehension of bias and partiality in the mind of the applicant; hence, the applicant has lost her confidence in the Trial Court.

3. On the other hand, learned counsel for the respondent No.1 has maintained that the applicant has habitually been disobeying the

interlocutory orders passed by the Trial Court, including the orders for regular and special meetings with the minors; that the respondent No.1, being father of the minors, is legally entitled to have the custody of minors on special occasions i.e. Eid Meeting, Summer Vacation, Winter Vacation, as he has love and affection and good attachment with the minors; that the instant application is motivated one and has been filed to linger on the matter before the Trial Court.

4. Heard and record perused.

5. It appears from the perusal of the record that the respondent No.1/father has filed the subject G&W Application under Section 25 of G&W Act, 1890, for the custody of his minor sons; namely, Muhammad Aliyan Umair and Muhammad Ibrahim Umair against the applicant/mother, which is pending adjudication before the Trial Court. It further appears that the respondent No.1 filed a miscellaneous application for special meeting during Winter Vacation on 20.12.2025, which was granted by the Trial Court vide order dated 23.12.2025. Thereafter, on 05.01.2026, the respondent filed an application for production of minors for implementation of order dated 23.12.2025. The matter was fixed on 17.01.2026 for meeting when both parties alongwith their counsel appeared. The Presiding Officer directed the applicant and her counsel to receive the copy of the application for filing counter affidavit but they refused to do so. The respondent No.1 had also filed earlier an application for special meeting during the Summer Vacation, which was allowed by the Trial Court but the applicant did not comply with the said order and challenged the same in appeal; hence, the meeting could not be held due to stay order passed in the appeal, which was eventually disposed of with direction to Trial Court to provide alternative meeting to the applicant. The record does not suggest any bias or

partial attitude on the part of the Presiding Officer in adjudication of subject G&W Application.

6. It may be observed that self-procured mistrust and expression of no confidence in the Court cannot be encouraged to transfer a case from the Trial Court, particularly where no allegation of partisanship for reason of any type of adverse interest is proved. I; therefore, dismiss this Civil Transfer Application being devoid of any merit with direction to Trial Court to proceed with the matter expeditiously and conclude it within a period of 60 days hereof.

CHIEF JUSTICE