

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

1. For order on office objection a/w reply at Á'.
2. For hearing of main case.
3. For hearing of CMA No.6573/2026.

07.10.2026

Mr. Mohsin Raza, Advocate for the applicant.

Mr. Wiqas Ahmed Khan Advocate files power as well as a statement on behalf of the respondent No.1 to the effect that the said respondent has no objection to the grant of instant Civil Transfer Application with direction to the Transferee Court to decide the subject Suit expeditiously, preferably within a period of one month. The Vakalatnama and statement are taken on record.

Through the instant Civil Transfer Application, the applicant/ husband seeks transfer of Family Suit No.622/2025 (“**Suit**”) from the Court of learned XXVII-Family Judge, Karachi-East (“**Trial Court**”) to any other Court having jurisdiction.

Briefly stated facts of the case are that the applicant/husband and respondent No.1/wife contracted marriage on 01.11.2020. On 10.02.2025, the respondent No.1/wife filed the Suit seeking dissolution of marriage by way of Khula, maintenance and recovery of dowry articles, including a claim of approximately Rs.36,70,000/- in respect of dowry articles and 512.51 tolas of gold ornaments valued at Rs.139,950,230/-, monthly maintenance amounting to Rs.2,00,000/-, and maintenance of Iddat period amounting to Rs.6,00,000/-. The Suit was initially decreed ex-parte by the Trial Court vide judgment and decree dated 31.07.2025. Being aggrieved, the applicant preferred Family Appeal No.159/2025, which was partly allowed by the learned District Judge, Karachi East, vide judgment dated 26.02.2026 by remanding the Suit to the Trial Court with directions to provide the applicant an opportunity to file written statement, permitting the parties to lead their respective evidence and thereafter decide the matter afresh on merits. The matter was thereafter fixed before the Trial Court for cross-examination of the

respondent No.1, when the applicant allegedly developed apprehension that he may not receive a fair and impartial opportunity before the Trial Court.

Learned counsel for the applicant contends that owing to the manner in which he was dealt with, particularly during the examination-in-chief and cross-examination of respondent No.1, he attempted to put questions arising from the pleadings and relating to list of dowry articles, gold ornaments and documents relied upon by the respondent No.1, which questions were material touching the very root of disputed claim, the Trial Court repeatedly disallowed such questions by directing him to proceed to other questions, without recording his questions so disallowed and reason of disallowing them; that the questions so disallowed by the Trial Court were relating to the very foundation, genuineness, source, nature and evidentiary value of the gold ornaments and dowry claims and he in his questions confronted the respondent No.1 with respect to the receipt of gold and referred to certain documents regarding gold estimates/certificates purchase bills, receipts, source of purchase, date of purchase, etc. but the Trial Court repeatedly prevented him from putting such questions in cross-examination; that the alleged circumstances has given rise to a reasonable apprehension in the mind of the applicant who has in fact lost his confidence in the Trial Court with regard to get fair adjudication. Hence, the applicant has maintained the instant Civil Transfer Application.

On the other hand, learned counsel for the respondent No.1, while referring his statement filed today, states that the Trial Court disallowed the questions of learned counsel for the applicant related to admitted facts and documents available on record; however, in order to avoid further delay in the adjudication of the rights of the parties in the Suit, he has filed statement of no objection.

On the directions of this Court, the learned Presiding Officer of the Trial Court has submitted his comments to the effect that during the cross-examination of the respondent No.1, learned counsel for the applicant repeatedly put the irrelevant questions and the questions regarding the admitted facts; hence, he discouraged such questions without incorporating or discussing the same in the cross-examination to save the precious time of the Court. He; however,

denied the allegation and expressed his no objection if the Suit is transferred to any other Court.

Heard, record perused.

It may be observed that Section 24(1), CPC explicitly grants the High Court (or District Court) the authority to withdraw a Suit or transfer a Suit either (i) on the application of any of the parties, or (ii) on its own motion (Suo Moto) without requiring any party's application or notice. The applicant in the instant case has failed to show any good cause for transfer of the Suit. However, considering the no objection recorded by the respondent No.1 the Suit is withdrawn from the board of the Trial Court by exercising Suo Moto power with direction to learned District Judge Karachi-East to assign the same to any other Family Judge to ensure a fair trial, who shall proceed with the Suit expeditiously and conclude the trial within a period of one month hereof.

The instant Civil Transfer Application is disposed of in the above terms alongwith listed application.

CHIEF JUSTICE