

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

For hearing of main case.

06.10.2026

Mr. Akmal Jakhrani, Advocate for the applicant.
Counsel for the respondent is called absent.

Through the instant Civil Transfer Application (“**Application**”), the applicant-Mst. Faryal D/o Burhanuddin, seeks transfer of G&W Application Nos.14, 15, 16 & 17 of 2024 (*Re: Sumair Ahmed Vs. Mst. Faryal*) from the Court of IX-Civil & Family Judge, Malir-Karachi (“**Trial Court**”) to any other competent Court, in the interest of justice, fair trial and the protection of the rights of the applicant and the minors.

Learned counsel for the applicant contends that the applicant was the legally wedded wife of the respondent and out of the wedlock four minor daughters were born; that due to matrimonial disputes the respondent forcibly expelled the applicant from his house, who was left with no option but to reside with her parents; that on 30.01.2023 respondent pronounced her three divorce but failed to pay dower, maintenance etc. and he forcibly removed the minor daughters from her custody, thereafter, pursuant to multiple legal proceedings the custody of minors, namely, Marwa Sumair and Syeda Muntaha was handed over to applicant, whereas custody of minors; namely, Syeda Rishail Sumair and Syeda Safa temporary remained with the respondent; that despite order dated 19.01.2026 passed by the District & Sessions Judge, Malir-Karachi in Civil Transfer Application

No.10/2026, the Trial Court has failed to expedite the matters and decide the same within 90 days. Hence, the applicant/mother has maintained the instant Civil Transfer Application.

On the directions of this Court, the learned Presiding Officer of the Trial Court has submitted his comments to the instant Civil Transfer Application, which reflects that the respondent took away two minors, namely, Syeda Safa and Syeda Rashail to Malaysia during the pendency of the G&W case without permission of the Trial Court for which the Trial Court took the efforts, whereby his passport as well as CNIC were seized, later on the counsel for the respondent filed a statement/undertaking wherein he requested for restoration of the CNIC and passport of the respondent temporarily for production of minors within two months as the minors were studying in the school in Malaysia and their academic record/certificates were to be obtained so also further immigration process for return back to Pakistan alongwith minors and self-appearance needed time. On that statement, the applicant extended her oral no objection, hence in order to reach at just conclusion and for the welfare of the minors the said statement was taken on record provisionally with direction to the respondent to appear alongwith minors within time due to which the applicant's evidence could not be recorded. Record further reflects that multiple interlocutory applications were filed by the counsels for both the parties which have been decided by the Trial Court and no delay has been caused on the part of the Trial Court.

From perusal of the aforesaid comments, it appears that the Trial Court has genuinely taken efforts for the quick disposal of the subject G&W Applications. However, respondent's leaving

country with two minors for Malaysia is the main cause of delay in trial. No allegation of bias has been attributed by the applicant to the Presiding Officer of the Trial Court. Hence, I dispose of this Civil Transfer Application with direction to Trial Court to proceed with the subject G&W Applications expeditiously and decide the same within two months hereof under intimation to MIT-II of this Court.

The instant Civil Transfer Application stands disposed of.

CHIEF JUSTICE

Abrar