

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

1.For hearing of main case.
2.For hearing of CMA No.6673/2026.

1.For hearing of main case.
2.For hearing of CMA No.6676/2026.

1.For hearing of main case.
2.For hearing of CMA No.6679/2026.

Mr. Hussain Idris, Advocate for the applicant.
Ms. Sana Q. Valika, Advocate for the respondent.

Learned counsel for the respondent files counter affidavits to the listed applications, which are taken on record; copies whereof are supplied to the learned counsel for the applicant.

By this common order I intend to dispose of the aforementioned three Civil Transfer Applications as the same being arisen out of common and identical issues have been heard by me together.

By means of Civil Transfer Applications No.71 and 73 of 2026, the applicant/mother seeks transfer of G&W Application No.1390/2025 (*Re: Zoyya Zahid Soorty Vs. Agha Muhammad Saleh & others*) and G&W Application No.1585/2025 (*Re: Agha Muhammad Saleh Vs. Ms. Zoyya Zahid*), while through Civil Transfer Application No.72 of 2026, applicant/plaintiff seeks transfer of Family Suit No.1273 of 2025 (*Re: Zoyya Zahid Soorty and others Vs. Agha Muhammad Saleh*) from the Family Court No.XIX, Karachi-South to any other competent Court.

Learned counsel for the applicant contends that on 08.06.2025 the applicant filed Suit No. 1273 of 2025, *inter alia*, seeking dissolution of marriage by way of khulla and G&W Application No.1390/2025, *inter alia*, seeking removal of respondent as guardian of minor children and her appointment as guardian, while the respondent instituted G&W Application No.1585/2025 subsequently,

inter alia, seeking custody of the minors and all the three aforementioned matters are pending adjudication before the Trial Court. He further contends that since the applicant was facing harassment and receiving serious threats, she filed C.P. No.D-3769/2026, wherein a Division Bench of this Court passed an interim order to the effect that no harassment should be caused to her and that the official respondents should ensure to provide protection. He also contends that the present applicant filed an application on 02.07.2026 in G&W Application No.1585/2025 for the modification of existing visitation arrangement seeking direction that the visitation should take place only under safeguard as the Court may deem appropriate including supervising the visitation in her presence at neutral venue with police assistance during all visitation exchanges in the light of the order dated 15.06.2026 passed by the Division Bench of this Court; however, the Trial Court failed to pass any appropriate order in accordance with law. He further contends that the manner in which the proceedings has been conducted by the Trial Court, the applicant has lost confidence in the Presiding Judge, as he failed to give due consideration to the allegations of threats to applicant's life and abduction of her children. Besides, the applicant having bonafide perception that her grievance, as a woman and mother seeking protection for herself and her children, have not been redressed by the Trial Court seriously and impartially and she also genuinely apprehends that the Trial Court is conducting the proceedings of matters with gender based influenced; hence, she is seeking transfer of the aforementioned listed cases.

On the other hand, learned counsel for the respondent maintains that on the application of the applicant the Trial Court passed the order for conducting proceedings of the visitation in presence of a member of the Court staff. She further maintains that the applicant has failed to demonstrate from the record that the Presiding Judge has ever acted with malice and committed any irregularity deliberately constituting any bias. She also maintains that applicant never challenged visitation orders passed by the Trial Court and that the Trial Court has passed the maintenance order dated 04.05.2026, which is being complied with by the respondent in letter and spirit and the same Trial Court granted dissolution of marriage way of khula to the applicant; hence, any insinuation to gender bias is bereft of reason.

Heard, record perused.

It reflects from the record that the applicant has maintained these transfer applications on the ground that she as well as her minor daughter and son have serious threats from the respondent's side, which were also raised before the Trial Court but it failed to consider the same. Besides, she apprehends gender based influence in the proceedings of the listed cases. It is admitted position that the same Trial Court has granted khula as well as maintenance to the applicant. So far issue of threat is concerned, which is also a subject matter of above mentioned Constitution Petition, if the same is considered for the transfer of the present cases, it shall serve no purpose as the cases shall remain in the same District of Karachi.

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, deem it appropriate to dispose of all three matters with direction to Trial Court to proceed with the matters expeditiously and, if possible, by conducting day to day hearing of the matters and decide the same preferably within a period of 30 days hereof.

The instant Civil Transfer Applications are disposed of in the above terms alongwith listed applications.

Let a copy of this order be placed in all the connected matters mentioned above.

CHIEF JUSTICE