IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.T.A No.25 of 2026

Applicant	:	Muhammad Rizwan Shaikh son of Muhammad Ramzan (Nemo)
Respondent(s)	:	Qazi Ahmed son of Ahsan Ahmed Shaikh, Through M/s. Kamran Ahmed and Muzamil Hussain, Advocates
Date of hearing	:	28.09.2026.
Date of order	:	28.09.2026.

ORDER

Jawad Akbar Sarwana, J. Applicant Muhammad Rizwan Shaikh seeks transfer of the application filed under Order 1 Rule 10 CPC. The said application has been filed in Execution Application No.06 of 2025 arising out of F.C. Suit No.591 of 1980.

According to the learned counsel submissions recorded by the bench on 17.09.2026, the background of the matter is that respondent No.1/plaintiff Qazi Ahmed had filed F.C Suit for specific performance against Qazi Ahmed, which suit was dismissed vide judgment dated 26.11.1987; whereafter the respondent No.1/plaintiff Qazi Iqbal Ahmed preferred appeal which was allowed by the District Court and such judgment was upheld both by the High Court and the Supreme Court, when a Bench of the Supreme Court confirmed the orders passed by the appellate Court in the year 2023. Counsel argues that after the

Supreme Court's order but before the filing of the execution application, the legal heir of Qazi Ahmed, namely Aziz Ahmed, sold the suit property to the applicant. However, when the applicant filed an application under Order 1 Rule 10 CPC, the Court rejected it vide Order dated 10.12.2025, against which the applicant preferred Civil Appeal No.220 of 2025, which the Appellate Court allowed vide Order dated 19.05.2026. Counsel contended that, based on the trial Court's conduct of the case in the first round, he has lost confidence in the concerned Court and seeks transfer.

2. This matter was called at 08:30 a.m. when Vakalatnama was filed by M/s. Kamran Ahmed & Muzamil Hussain on behalf of respondents No.1(a) to (c) was taken on record, and the matter was kept aside. It is now almost time for the Court to rise, and none is present on behalf of the applicant. Counsel for the respondents has filed a statement dated 28.09.2026, which is taken on record subject to all just exceptions; and has also filed an additional statement, which is also taken on record.

3. Heard Counsel and considered the contentions raised by the parties. Nothing on record suggests any prejudice on the part of the trial Court/Executing Court. There is no indication of any bias. The applicant is an intervener and has yet to be impleaded as a party in the proceedings. The appellate forum allowed the appellant's appeal vide order dated 19.05.2026 on the ground that the Executing Court had wrongly dismissed the applicant-intervenor's (the present applicant of this transfer application),

application to implead the applicant-intervenor as a party on technical grounds instead of deciding the said application on merits. There is no reason to assume that a case remanded to the Executing Court by the appellate forum is likely to be re-heard prejudicially. The applicant's civil transfer is thus based on conjectures and surmises, without any documentary evidence indicating that the proceedings have so far been conducted contrary to the rules of procedure, fair play, or without opportunity of hearing. Indeed, on the very first date of hearing this bench had directed the applicant to submit the diary sheet of the Executing Court after the appellate forum's order dated 19.05.2026, which could corroborate the stance taken, yet this is the third hearing in the matter, and nothing has been placed on record which can make out a case of either bias or prejudice against the Executing Court. In the circumstances, no case is made out for the transfer.

4. Given the above, this civil transfer application stands **dismissed.**

JUDGE

Shahid