IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Civil Transfer Application No. S-22 of 2026
Civil Transfer Application No. S-23 of 2026
Civil Transfer Application No. S-24 of 2026
Civil Transfer Application No. S-25 of 2026

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE

Applicant: Vinod Kumar son of Nand Lal, resident of Dhoung Muhalla near Shadani Mandar Town, Taluka and District Ghotki Through his attorney Ravee Kumar son of Nando @ Nand Lal, Resident of Circle No.2, Muhalla Dhoungh Town, Taluka and District Ghotki **through** Mr. Ratan Kumar advocate**.**

Respondent: Smt. Komal Kumar w/o Vinod Kumar, Hindu, Presently residing at Indus Hospital Ghotki, Taluka and District Ghotki **through** Naveed Ahmed Malik Advocate.

Date of hearing & order: 05-11-2026.

Suresh Kumar J:- "By this common order, I intend to dispose of four captioned Civil Transfer Applications filed by the applicant to transfer Family Suit No. 52/2026 Re. (Vinod Kumar vs. Smt. Komal Kumari), Family Suit No. 213/2025 Re. (Smt. Komal Kumari Vs. Vinod Kumar), Family Suit No. 276/2026 Re. (Komal Kumari vs. Vinod Kumar), and G & W Application No. 70/2025 Re. (Vinod Kumar vs. Smt. Komal Kumari), which are interconnected and between the same parties."

2. The relevant facts are that both parties named above have filed family proceedings against each other referred above, which are pending before the Court of Civil Judge and Judicial Magistrate/Family Judge Ghotki. The applicant has prayed for the transfer of these proceedings to another competent court solely on the ground of having received an adverse order against him.

3. I have heard learned counsel for applicant and learned counsel for respondent.

4. Learned counsel for the applicant has contended that applicant has lost his confidence upon the trial Court due to an adverse order

dated 23-06-2026 passed by the trial Court without hearing of the applicant. He has also contended that applicant does not expect justice from the trial Court. He has lastly prayed that transfer applications may be allowed and family proceedings may be transferred to any other Court having jurisdiction.

5. While learned counsel for the respondent has strongly opposed the transfer application on the ground that mere passing of adverse order is no ground for transfer of the family proceedings. He has next contended that applicant has remedy to challenge the impugned order and such remedy has already been availed through C.P No. 313/2026 which was disposed of with direction to trial Court to dispose the case within 30 days. He has lastly prayed the transfer applications may be dismissed.

6. Learned Family Judge has submitted the comments and denied the allegation levelled against him.

7. Having given due consideration to the arguments advanced by the respective parties' counsel and having perused the relevant record, it reveals that the applicant has filed the present transfer application on the ground that he has lost confidence in the presiding officer due to an adverse order passed by him. It is well-settled law that merely because an adverse judicial order has been passed against a party does not, by itself, constitute a sufficient ground for the transfer of the case, as the aggrieved person has the remedy of challenging such an order before a higher forum. In this regard, reliance is placed upon the cases of Syeda Ruqiya Shah v. Abdul Shakoor and others (2018 P.Cr.L.J 1211), Abdul Latif v. Syed Kousar Ali Shah Bukhari and others (2017 YLR 1985), and Lutifullah v. The State (2000 P.Cr.L.J 1635). Moreover, the adverse order has already been challenged by filing Constitution Petition No. 313/2026, and the Constitution Bench of this Court, vide order dated 02-11-2026, directed the trial court to dispose of the case within three months. No other substantive material has been brought on record to suggest that the learned trial judge is either prejudiced or biased against the applicant, which may justify the transfer of the case. This

Court has repeatedly held that presiding officers are to be protected equally from frivolous transfer applications in order to achieve transparent and even-handed justice. In this regard, reliance can be placed upon the case of Sain Rakhio v. Abdul Ghaffar and five others (2011 CLC 1160).

8. It is well-settled law that the transfer of a matter from one court to another can only be granted in exceptional circumstances, where it is shown that such transfer would be in the interests of justice. Reliance is placed upon the judgment in the case of All Pakistan Newspaper Society & others v. Federation of Pakistan & others, reported as PLD 2012 Supreme Court 1. This is prima facie not the case in the present matter, as no exceptional circumstances are borne out of the pleadings.

9. In view of the foregoing, it is considered opinion of this Court that this Civil Transfer Application is not maintainable and is even otherwise devoid of merit, hence same is hereby dismissed.

J U D G E

Nasim/P.A