THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Civil Transfer Appl. No.S-32 of 2026

[Muhammad Kashif v. Muhammad Furqan and others]

DATE	**ORDER WITH SIGNATURE OF JUDGE(S)**

For hearing of the main case

06.11.2026

Applicant Muhammad Kashif is present in person.
Insp. Kashif Khan PS B-Section, Latifabad, Hyderabad

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The report of service shows that notice was duly served upon the respondents. The report is taken on record. None has appeared on their behalf. The progress report submitted by the trial Court is also taken on record.

Heard the applicant in person and perused the record.

The applicant, who is the defendant in 3rd Class Suit No.86 of 2024 (Muhammad Furqan v. Muhammad Kashif and others), pending before the learned Civil Judge and Judicial Magistrate-X, Hyderabad, seeks transfer of the suit under Section 24, C.P.C. He claims to have lost confidence in the Presiding Officer.

The suit was decreed on 29.10.2025. The applicant's Civil Appeal No.316 of 2025 was allowed by the learned 6th Additional District Judge, Hyderabad, on 28.07.2026, and the case was remanded. The applicant complains that the trial Court continued proceedings in Execution Application No.118 of 2026 and that, on 20.10.2026, the decree-holder withdrew the application instead of its being dismissed as infructuous. He also alleges that the staff of the Presiding Officer favours the other side. A prior Transfer Application No.207 of 2026, based on substantially similar allegations, was dismissed by the learned District Judge, Hyderabad, on 28.09.2026. The present application does not disclose that fact.

The progress report dated 04.11.2026 shows that, after remand, an additional issue was framed, the plaintiff closed his evidence on 20.10.2026, and the suit is now fixed for the defendant's evidence on 18.11.2026. The learned District Judge also recorded that no adverse order had been passed against the applicant in the execution proceedings.

Section 24, C.P.C. confers a discretionary power of transfer, to be exercised where the interests of justice so require. The governing test is

whether the facts and surrounding circumstances give rise to a reasonable apprehension that the Court may not act fairly and impartially. The apprehension must be one that a reasonable person could justifiably entertain; every incident perceived by a party as unfavourable does not warrant transfer (**Muhammad Nawaz v. Ghulam Kadir, PLD 1973 SC 327**).

The application does not attribute any personal interest, hostility, relationship or improper remark to the Presiding Officer. The allegation concerning the court staff is general and unsupported by particulars. Nor is any non-compliance with the appellate judgment shown; the progress report confirms that the matter has proceeded after remand. As to the execution proceedings, the applicant identifies no adverse order made against him. The learned District Judge's report likewise records that no such order was passed. The applicant's complaint that the application was withdrawn rather than dismissed as infructuous, without more, does not establish bias or prejudice on the part of the Presiding Officer.

A litigant's bare loss of confidence, unsupported by material facts, is not sufficient to displace a case from a competent Court. Dissatisfaction with a procedural course or an apprehension of an adverse decision is not, by itself, a ground for transfer. The prior application raising substantially similar grievances was also dismissed. The suit has since reached the stage of the defendant's evidence, and no cogent circumstance has been shown to justify its transfer.

For the foregoing reasons, no case for transfer under Section 24, C.P.C. is made out. The application is accordingly **dismissed**. The trial Court shall proceed with the suit in accordance with law and endeavour to conclude it expeditiously. Nothing stated in this order shall prejudice either party on the merits of the suit. The office shall communicate a copy of this order to the trial Court.

JUDGE

AHSAN K. ABRO