IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Civil Transfer Application No.S-30 of 2026

[Syed Taj Muhammad Shah v. Syed Noor Bibi Shah & others]

Mr. Muhammad Sadique Laghari, Advocate for applicant.

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Date of hearing: 02.11.2026

Date of order: 02.11.2026

O R D E R

MUHAMMAD HUMAYON KHAN, J.— The applicant, through his attorney, has filed this application under section 24, C.P.C., seeking transfer of F.C. Suit No.129 of 2020 from the Court of the learned Senior Civil Judge, Hala, to the Court of the learned Senior Civil Judge, Matiari. In the suit, the applicant seeks a declaration of ownership and possession in respect of land bearing Survey No.51, measuring 1-03 acres out of a total area of 2-06 acres, situated in Deh and Tapa Saeedabad, and cancellation of the revenue entry made in favour of respondents No.2 and 3. The suit also concerns 12 shops constructed on the said survey number, cancellation of registered Sale Deed No.736 dated 14.05.2019, executed by respondent No.1 in favour of respondents No.2 and 3 through their guardian ad litem in respect of land measuring 3,788 square feet situated in Deh and Tapa Saeedabad, Taluka Saeedabad, and a permanent injunction.

2. An earlier transfer application, Civil Transfer Application No.07 of 2026, based substantially on the same grounds, was dismissed by the learned District Judge, Matiari, on 30.09.2026. The present application was filed on 06.10.2026. Learned counsel submits that the respondents claim to have influence over the Presiding Officer and that, during the hearing, the Presiding Officer described the applicant's case as weak. The applicant has, therefore, lost confidence in the Court. Counsel further states that the Presiding Officer had granted liberty to file a fresh transfer application.

3. Heard. Record perused. The power under section 24, C.P.C. is exercised to secure the ends of justice; transfer is not granted as a matter of routine or on a party's bare apprehension. In Ajeet Kumar v. Shakeel Ahmed (Civil Revision Application No.64 of 2016, decided on 02.08.2016; 2017 CLCN 13), this Court upheld the dismissal of a transfer application. It held that an adverse judicial order, by itself, does not establish bias, and that transfer cannot rest on suppositions or unfounded apprehensions; material

showing prejudice or bias must be available. In Sain Rakhio v. Abdul Ghaffar and 5 others (2011 CLC 1160), the Sindh High Court likewise dismissed a civil transfer application founded, among other things, on allegations of close relations between the Presiding Officer and the opposite party and an earlier adverse order. It held that such allegations, without a reasonable basis to apprehend bias, do not warrant transfer and that the power under section 24, C.P.C. must be exercised cautiously in exceptional circumstances.

4. Applying these principles, the applicant's alleged claim of influence, even if made, does not establish bias on the part of the Presiding Officer. The applicant's assertion that the Presiding Officer described his case as weak is unsupported by material showing that the suit had been prejudged or that the Presiding Officer had closed his mind. A mere attribution of a remark, without particulars or supporting material, does not provide a reasonable ground for transfer.

5. The allegation is serious, but remains unsubstantiated. Moreover, Ground No.2 of the application itself appears to disclaim an allegation of bias.

6. The suit has remained pending since 2020. In the circumstances, no sufficient ground for its transfer has been made out. The learned trial Court shall proceed with the suit and decide it expeditiously in accordance with law.

7. For the foregoing reasons, this transfer application is dismissed in *limine*, along with any pending application(s). The learned trial Court shall proceed in accordance with law, uninfluenced by the observations made herein, and shall endeavour to conclude the trial within three months from receipt of a copy of this order. Any adjournment shall be granted only for sufficient cause, to be recorded. A copy of this order shall be transmitted to the learned trial Court for compliance.

JUDGE

Muhammad Danish