

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Civil Transfer Application No. S-12 of 2024
“Hameed Zaman Khan vs. Rafi-uz-Zaman and others”

DATE ORDER WITH SIGNATURE OF JUDGE

1. For hearing of M.A.No.451/2024.
2. For hearing of main case.

27.11.2025

Mr. Om Parkash H. Karmani advocate for the applicant a/w attorney of applicant.

Mr. Usama Mehmood advocate junior partner of Mr. Afzal Kareem Virk advocate for the respondents No.5 to 7.

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Applicant Hameed Zaman Khan has filed instant transfer application through his Special Attorney Jahanzeb Khan in a case bearing F.C.Suit No.86 of 2020 Re: *Hameed Zaman Khan vs. Rafi-uz-Zaman and others* pending before learned Senior Civil Judge, Digi with prayer to withdraw the same from file of learned trial Court and assign the same to any other competent court at Mirpurkhas on the ground that learned trial court has not granted adjournment application so also not allowed applications under Order XIII Rule 1 C.P.C and under Order XVI Rule 1 C.P.C; hence he has lost his trust over learned Presiding Officer of trial court.

Mr. Usama Mehmood advocate, junior partner of Mr. Afzal Kareem Virk advocate, has opposed for transfer of case on the ground that applicant intends to linger-on the case without any substance.

Comments were called from learned trial Court which reveals that the case was instituted on 07-11-2020; defendants No.5 to 7 have filed their written statements and Issues were framed on 07-04-2021. Subsequently, due to failure of plaintiff's side to lead evidence, suit was proceeded under Order XVII Rule 3 C.P.C and eventually was dismissed vide judgment dated 26-10-2022 by his Predecessor Judge. Thereafter, plaintiff filed Appeal bearing No. 142/ 2022 and same was allowed vide judgment dated 18-11-2023 and learned appellate Court remanded back case to the trial court. It is further mentioned in the comments that evidence of plaintiff's side could not be recorded until 16-02-2024 and then evidence of plaintiff namely Hameed-uz-Zaman and his witness Saeedullah was recorded and evidence of plaintiff's son Changaiz Khan was recorded through video link on 06-03-2024 alongwith other witnesses. Comments further reveals that 11 adjournments were sought by counsel for the plaintiff and same were allowed. Comments further reveals that ample opportunities were extended to the plaintiff to plead evidence; however learned trial court has recorded no objection for transfer of this case.

Heard and perused the material available on the record

The applicant has filed transfer application before learned District Judge, Mirpurkhas, which was dismissed vide order dated 15-10-2024. Instant transfer application is pending before this Court since 23-10-2024. I do not see any reasonable ground to withdraw above case from the file of learned trial court and allegations leveled against Presiding Officer are baseless without any substance. It appears that applicant wants to linger-on case on flimsy ground which cannot be considered, therefore, instant transfer application alongwith listed application is

dismissed with direction to learned trial court to decide the case of the plaintiff within three months under intimation to this court; however, it is made clear that no any further adjournment would be granted to either party on any flimsy ground.

JUDGE

“Saleem”

