

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C. T. A. No. 46 of 2017.

<u>DATE</u>	<u>ORDER WITH SIGNATURE OF JUDGE</u>
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For katcha peshi.

29.01.2018.

Applicant present in person.

Respondent also present in person.

Mr. Wali Muhammad Jamari, Assistant A.G.

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Applicant files certified copy of order passed on adjournment application by learned Illrd Senior Civil Judge, Mirpurkhas in F.C. Suit No.273 of 2017, and states that this transfer application be allowed and the subject matter be transferred from District Mirpurkhas to any other District and in support of his contention he submits that the request for transfer is being made as he is unable to find a counsel to be engaged on account of the respondent being a practicing advocate. It is also stated on part of the applicant that on account of inability to engage a counsel it is not possible for him to proceed with the said case.

2. The respondent states that there had been earlier proceedings between the same parties, which ultimately went upto the Honourable Supreme Court of Pakistan. It is also contended on part of the respondent that purpose of the applicant is only to delay / protract the proceedings hence this transfer application has been filed.

3. Learned AAG states that in view of the record referred above, the transfer application merits no consideration.

4. Having heard the parties as well as the learned AAG, it is observed that the excuse of powers for transfer have to be reasonably exercised. Not only the earlier proceedings the applicant as present himself before this Court having argued his case himself does not qualify him for any such entertainment; he himself seems to be well conversant with the legal methods it is difficult to imagine an un-availability of a counsel for proceeding with the case at Mirpurkhas. Accordingly, the instant application being not entertainable is dismissed. However, in the present circumstances no costs imposed.

JUDGE