

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

**Civil Transfer App. No. S – 02 of 2022**

Date of hearing	Order with signature of Judge
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**Hearing of case**

For hearing of main case

**27-05-2022**

Mr. Imtiaz Ahmed Kolachi, Advocate for the Applicant.

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None for the Respondent despite issuance of notice and being served.

Through this Transfer Application, the Applicant seeks transfer of F.C. Suit No.219 of 2021 from the Court of Senior Civil Judge, Daharki to any other competent Court of law.

Learned Counsel for the Applicant has contended that that the attitude of the Presiding Officer is very harsh vis-à-vis the Applicant; whereas, because of his conduct as above, even the District Bar Association, Ghotki has passed a resolution against him and numerous cases have been transferred from his Court, hence, this Transfer Application.

I have heard the Applicant's Counsel and perused the record.

Prior to this, the Applicant had filed a similar application before the concerned District Judge, which stands dismissed vide order dated 25-01-2022, and the said reads as under:

*“By this order I intend to dispose of Civil Transfer application filed by the above named applicant for transfer of F.C Suit No.219/2021, Re-Amjad Shehzad Vs. Abdul Shakoor, from the court of learned Senior Civil Judge, Daharki to any other court having jurisdiction mainly on the ground that she has lost her faith upon the presiding officer.*

*Notice whereof was issued to the respondent and comments were also called from the learned trial court.*

*Heard applicant, learned counsel for respondent and perused the comments.*

*The applicant has failed to agitate any cogent ground for transfer of above F.C Suit. Mere asking of the applicant is no ground for transfer of case from one court to another. It is well settled law that the cases cannot be transferred on the will and wish of the parties. The application being devoid of merits stands dismissed, with no order as to costs.”*

Perusal of the aforesaid order reflects that apparently no plausible justification has been given for seeking transfer of the case; whereas, before this Court, it has been agitated that the attitude of the Presiding Officer is harsh, hence, the matter be transferred. Report was called from the Trial Court, and the Trial Court vide its report dated 24-05-2022 has informed that the Applicant has failed to lead evidence in the Suit in question despite lapse of three (03) years inasmuch as the side of the Respondent was closed on 11-03-2020; whereas, earlier also various attempts were made to delay the proceeding of the case by filing some Constitutional Petitions as well. Such conduct on the part of the Applicant does not warrant any interference and it appears that the only purpose of these Transfer Applications before the District Judge and now before this Court is to delay the proceeding before the Trial Court; hence, this Transfer Application being misconceived is hereby **dismissed**.

Abdul Basit

J U D G E