

ORDER SHEET

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

**Civil Transfer App. No. S - 21 of 2022**

|                 |                               |
|-----------------|-------------------------------|
| Date of hearing | Order with signature of Judge |
|-----------------|-------------------------------|

**Fresh case**

1. For orders on CMA No.1408/2022 (U/A)
2. For orders on CMA No.1409/2022 (E/A)
3. For hearing of main case

**21.11.2022**

Mr. Abdul Qayyum Qureshi, Advocate for the applicant.

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- 1.** Urgency application is granted.
- 2.** Exemption is granted subject to all just legal exceptions.
- 3.** This Civil Transfer Application is directed against the order dated 05.11.2022, whereby learned District Judge, Sukkur dismissed Civil Transfer Application No.26 of 2022 (*Re: Qadir Bux v. Muhammad Zaman and 29 others*) filed by the applicant, thereby the applicant sought transfer of Civil Revision No.59 of 2022 (*Re: Muhammad Zaman v. Province of Sindh and others*) from the Court of learned Additional District Judge (Hudood), Sukkur to any other Court.

The only ground agitated by the learned Counsel for the applicant before this Court is that learned Additional District Judge (Hudood), Sukkur has already dismissed his Civil Appeal bearing No.93 of 2021; hence, he has no hope for justice from him as he has already made his mind in the aforesaid Civil Revision No.59 of 2022.

It may be observed here that transfer of case from one to another Court cannot be claimed by the applicant(s) as a matter of right or cannot be granted as a matter of routine and the Court before whom the application for transfer is moved has to see whether mistrust shown by the applicant is genuine or otherwise. Besides, while exercising

jurisdiction to transfer cases from Courts, balance has to be struck in order to ensure that the cases are not transferred mainly on the basis of unfounded and conjectural apprehensions. It may also be observed here that the Presiding Officers of the Courts have to be given full protection against frivolous allegations in view of the honourous, noble and dignified duty they are performing and while deciding the cases they should not be allowed to be harassed unnecessarily by the litigants to mainly entertain groundless and baseless apprehensions.

As regard earlier dismissal of Civil Appeal filed by the applicant, suffice it to say that orders wrong in law or improper passed on disobedience of statutory provision of law or in violation of rules or procedure have never been accepted as valid basis for transfer of cases, unless circumstances attending passing of such orders are capable of raising a reasonable apprehension in the mind of a party that justice would not be done to him. Something more than a mere wrong order is required to justify such transfer so as to create a reasonable apprehension in the mind of the party concerned of not getting fair and impartial trial.

For the foregoing facts and reasons, no reasonable apprehension exists in the instant case that the trial Court would not act fairly and impartially; therefore, this transfer application being devoid of merit is **dismissed in limine**, with no order as to costs.

Abdul Basit

J U D G E