

Order Sheet
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
C.T.A. No.34 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For hearing of main case.

30.10.2023

Mr. Shaikh Jawaid Ali, advocate files power on behalf of applicant, which is taken on record.

The applicant had filed Civil Transfer Application No.25 of 2023 before the Court of District Judge, Sanghar; and vide order dated 07.10.2023 the same was dismissed. It is considered to appropriate to reproduce the operative part of the said order herein below.

“8. The main grounds raised in the instant transfer application are that on filing of civil appeal, execution application was suspended and since then opponent of applicant viz: respondent No.1 was saying that he had talked with learned Presiding Officer and matter will be decided in his (respondent No.1) favour, therefore, the applicant has apprehension that the civil appeal will not be decided on merits. Learned Presiding officer denied such allegations and submitted the learned counsel for applicant has been moving adjournment applications and is avoiding to argue the matter. The applicant has not placed any material on record that may indicate that the learned Judge has acted in a partial or biased manner in proceeding with the matter, even there is no affidavit of any independent person to support the above contentions of applicant. So far suspension of execution application is concerned, applicant was at liberty to challenge that order. The allegations made by the applicant against the learned Presiding Officer are mere allegations without any substance or cogent reasons. It is settled principle of law that matter cannot be transferred on insufficient cause and invalid grounds, otherwise it would tend to frustrate and cause delay in lawful proceedings and would also cause inconvenience to the other party without any fault on its part.

9. In view of above discussion, the instant transfer application has no substance, which is hereby dismissed accordingly.”

The aforementioned order has been impugned herein and the applicant seeks for the same to be set aside and the case to be transferred; as sought.

Heard and perused. No cogent grounds have been pleaded for grant of this application and neither have been articulated. The findings of the learned District Judge have not been controverted by the learned counsel, hence, as such no case is made out meriting any interference therein.

The allegations contained in the present application comprise of unsubstantiated statements and the same cannot be made the basis to entertain or sustain the allegation of bias against a learned Judge. The concept impartiality or bias of a judge has been discussed exhaustively by the honorable Supreme Court in its judgment in the case of *Government of NWFP & Another vs. Dr. Hussain Ahmed Haroon & Others*, reported as 2003 SCMR 104, and the present matter does not merit favorable consideration upon the anvil of the said judgment.

In view of the foregoing, instant civil family transfer application is dismissed *in limine*.

Judge

Ahmed/Pa,