

ORDERSHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Civil Transfer Application No. S- 16 of 2019

DATE **ORDER WITH SIGNATURE OF JUDGE**

For non-prosecution

11-11-2019.

Applicant Khalid Hayat present in person.

Mr. Ameenuddin Khaskheli Advocate along with respondent.


Through this transfer application, applicant Khalid Hayat seeks transfer of Family Suit No. 12 of 2019 titled Mst. Tehmina Subhan vs. Khalid Hayat for return of dowry articles, pending before the Court of learned Family Judge-II Moro, District Naushehro Feroze to any other court in District Naushehro Feroze. Notice was issued to respondent Mst. Tehmina Subhan.

Applicant Khalid Hayat mainly contended that respondent Mst. Rehmina has been divorced by him and she has contracted second marriage with Mr. Qadir Bakhsh Advocate, who is office bearer of Taluka Bar Association Moro. Applicant further alleges that respondent along with her husband used to visit learned Family Judge in chamber and thus applicant has lost his confidence and prayed for transfer of family suit to some other Court.

Learned counsel for respondent argued that applicant has divorced respondent then, she joined the profession of advocacy and contracted 2nd marriage with Mr. Qadir Bakhsh Advocate. He further submits that family dispute is quite old and allegations against Presiding Officer are false and unfounded. Respondent with permission of Court, addressed the Court and denied the allegations against Presiding Officer and submitted that applicant has filed transfer application for causing delay in disposal of the case.



I have carefully heard parties and perused the case diaries. Parties informed that suit is fixed for final arguments. Applicant has failed to mention the date on which respondent along with her counsel met the Family Judge in chamber. Mere fact that after divorce from applicant, respondent Mst. Tehmeena Subhan has been enrolled as an advocate and has contracted marriage with Mr. Qadir Bakhsh Advocate is no ground to transfer the case. Applicant has failed to substantiate the allegations by cogent material. Even otherwise, case cannot be transferred from one Court to another at the whims/choice of a party. Family suit has already been concluded. Transfer application is without merit and same is dismissed. However, learned Family Judge-II Moro is directed to decide the suit within one month under intimation to this Court. Let the copy of order be sent to concerned Family Court through learned District & Sessions Judge Naushehro Feroze by fax for compliance.


JUDGE 11.11.2019