

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

**Civil Transfer Application No. 05 of 2025**

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**DATE**

**ORDER WITH SIGNATURE OF JUDGES**

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1. For orders on office objection as at "A".
2. For hearing of main case.
3. For hearing of CMA No.414/2025.

**20.03.2025**

Ms. Sana Q. Valika, Advocate for the Applicant.  
Ms. Tahira Hassan, Advocate for Respondent No.1.  
Mr. Ahmed Khan Khaskheli, A.A.G.

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The instant Civil Transfer Application has been moved by the Applicant seeking transfer of Guardian and Ward Application bearing No.1597/2022 from the Court of learned Family Judge, Karachi South and transfer the same to any other Court of competent jurisdiction.

Learned counsel for the Applicant has stated that she has reasonable apprehension, that can be gauged from surrounding circumstances, that her client will not get a fair trial before the learned Family Judge Karachi South. She has further contended that the attitude of the learned presiding officer can only be classified as "harsh" and "biased". Further she has contended that the fundamental right of a fair trial as provided under Article 10-A of the Constitution of the Islamic Republic of Pakistan will be jeopardized if proceedings continue before the same court. She has lastly stated that the learned Family Court is demonstrating leniency towards the Respondent and there is serious delay in passing orders in the applications preferred by the Applicant.

Conversely learned counsel for the Respondent No.1 has stated that there is no bias which is evident and the instant proceedings have only been filed to delay adjudication of the matter. She has also stated that because of the pendency of the instant Civil Transfer Application the learned Family Judge has ceased to proceed with the matter hence the instant Civil Transfer Application may be decided expeditiously.

I have heard the learned counsels and perused the record. The Applicant is fundamentally seeking a transfer of proceedings on the ground that there is unnecessary delay in adjudicating the applications which have been preferred by the Applicant. The learned counsel in this regard was unable to satisfy that the delay in adjudication can be treated synonymously with bias.

The grounds raised by learned counsel for the Applicant failed show any bias as defined by the Honourable Supreme Court in the cases of ***Asif Ali Zardari versus The State***<sup>1</sup> and ***All Pakistan Newspapers Society versus Federation of Pakistan and others***<sup>2</sup>. I do not see any cogent, plausible or tangible ground to allow the instant application.

This transfer application is disposed of by directing the learned Trial Court, which is seized of the matter to decide the case preferably within two months from today.

JUDGE

Nadeem Qureshi "PA"

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<sup>1</sup> PLD 2001 Supreme Court 568

<sup>2</sup> PLD 2012 Supreme Court 1