

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Transfer Application No. 16 of 2025

DATE

ORDER WITH SIGNATURE OF JUDGES

Hearing

1. For hearing of main case.
2. For hearing of CMA No.1389/2025.
3. For orders on office objection as at 'A'.

13.03.2025

Mr. Aftab Ahmed Memon, Advocate for the Applicant.

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Learned counsel for the applicant has filed application under Section 24 CPC for transfer of Civil Suit No.149/2019 from the Court of 1st Senior Civil Judge Sujawal and assigned the same to IInd Senior Civil Judge Sujawal. Learned counsel for the applicant has argued that his appearance as well as his contentions were not recorded in several orders, more particularly, order dated 10.09.2024, which is available at pages 31 – 35 as Annexure 'D'. Learned counsel further stated that his objections were on record and were filed on or before the said date, however, only his attendance and objections of defendants No.8 to 16 have been reflected in the said order. Learned counsel further stated that he have filed an application before the learned District Judge Sujawal on 12.10.2024 and the said application was taken up and dismissed vide order dated 14.02.2025. I have specifically asked the learned counsel to show me the bias reflecting on the face of the record in which his right of fair trial will be jeopardized. Learned counsel for the applicant in response has taken to the merits and demerits of certain orders passed by the learned trial Court. It is settled principle of law that a person seeking transfer of case from one Court to another Court has to show bias and also has to show his right of fair trial is being compromised to the case pending before the learned Presiding Officer. Learned counsel in this regard has not shown any such ground and hence transfer application is dismissed. However, learned trial Court is directed to be mindful and to ensure that the presence as well as the contentions of defendant No.17 are ably recorded in the subsequent proceedings.

JUDGE