

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.T.A. No.62 of 2025

Date	Order with signature of Judge
------	-------------------------------

Fresh Case

- 1. For orders on CMA No.6920/2025
- 2. For orders on CMA No.6921/2025
- 3. For hearing of main case.
- 4. For orders on CMA No.6922/2025

07.10.2025.

Mr. Qaim Ali Memon, advocate for the applicants.

The instant civil transfer application has been filed by the Applicants for the transfer of the Civil Misc. Appeal No.04 of 2022 from the Court of 1st Additional Sessions Judge, Thatta to 2nd Additional Sessions Judge, Thatta or any other Judge of district Thatta.

Arguments heard and perused the material available on record.

The record appended with the application reflects that a Civil Miscellaneous Appeal was filed by respondents No.1 to 3 before the learned District & Sessions Judge, Thatta, which was thereafter assigned to the Court of the learned 1st Additional Sessions Judge (MCTC), Thatta. The applicants now seek transfer of the said appeal to the Court of the learned 2nd Additional Sessions Judge, Thatta, or any other competent Court at District Thatta, on the ground that they have lost confidence in the presiding officer of the said Court, alleging that he has been making conclusive observations and passing insulting remarks towards the applicants without any cause or justification.

It may be observed that an allegation against a Judicial Officer shall be brushed aside without any second thought for the reason that on one hand it will encourage frivolous blames against the Presiding Officer and on the other hand will increase pressure on the mind of the learned trial Judge / Presiding Officer, who will not be able to act and do justice with free mind.

No doubt reasonable apprehension in the mind of litigants can provide a cause to seek transfer of his lis from one to another Court of competent jurisdiction, but at the same time it must also be kept in mind that the Presiding Officers are equally to be protected from frivolous, concocted and baseless allegations. While exercising discretion to transfer a case from one Court to another, a balance has to be struck in order to ensure that the cases are not

transferred merely on the basis of supposition unfounded and conjectured apprehensions.

The grounds urged by learned counsel for the applicants seeking transfer of the case are devoid of substance, lawful basis, or justification. Learned counsel has failed to place on record any material or evidence substantiating the allegations of bias or prejudice attributed to the Presiding Officer. Mere vague, general, and unsubstantiated allegations cannot form the basis for transfer of a case, particularly in the absence of any credible proof, which is conspicuously lacking in the present matter.

In the above circumstances, the instant Civil Transfer Application being meritless is dismissed *in limine* alongwith the listed applications.

JUDGE