

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

Revision Application No. 98 of 2025

(Mohsin Ghaiyur Haider v. Sardar Saghiruddin Khan)

DATE: ORDER WITH SIGNATURE(s) OF JUDGE(s)

For Hearing of CMA No.2034/2026 (Contempt App)

14-4-2026

Mr. Sohail Hameed, Advocate for Applicant
Mr. Abdul Wahab Mirza, Advocate for Respondent

1. **Sana Akram Minhas J**: By way of background, the main Revision Application assailed an order dated 11.7.2025 whereby the learned District Judge Karachi (East) had dismissed a Transfer Application seeking transfer of Rent Case No.375 of 2024 from the Court of 5th Rent Controller. By Order dated 31.10.2025 ("**Transfer Order**"), this Court allowed the present Revision Application, holding that although this Court found that allegations raised in the Transfer Application were not substantiated, the Rent Case was nevertheless directed to be transferred to the Court of the 1st Senior Civil Judge & Rent Controller Karachi (East) to ensure propriety and fairness in proceedings.
2. The Transfer Order further observed that two connected suits (Suit No.106 and Suit No.5230 of 2025) may have a bearing on the rent proceedings but declined to order their transfer, granting liberty to the parties to approach the learned District Judge Karachi (East) for appropriate relief. Consequently, the main Revision Application was allowed.
3. Through the listed **CMA No.2034/2026** ("**Contempt Application**"), the Applicant has alleged wilful disobedience of the aforesaid Transfer Order. Learned Counsel for the Applicant contends that the alleged Contemner (Respondent) has violated the Transfer Order by proceeding with the matter before the Court of the 7th Senior Civil Judge & Rent Controller instead of the 1st Senior Civil Judge & Rent Controller, as directed.
4. In reply, learned Counsel for the alleged Contemner has placed on record a Notification dated 5.11.2025 (issued by the Deputy Registrar of this Court) and submits that, in compliance with the Transfer Order, the case was initially transferred to the Court of the 1st Senior Civil Judge & Rent Controller Karachi (East). However, upon the establishment of "*Model Civil Courts*" and the notifying of the said Court as a Model Civil Court pursuant to the said

Notification of 5.11.2025 (issued in implementation of the National Judicial (Policy Making) Committee's meeting held on 18.8.2025), the case was thereafter transferred to the Court of the 7th Senior Civil Judge & Rent Controller Karachi (East).

5. Respective Counsel for the parties have been heard and the record perused.
6. A bare perusal of the Transfer Order dated 31.10.2025 reflects that while Rent Case No.375 of 2024 was directed to be transferred to the Court of the 1st Senior Civil Judge & Rent Controller Karachi (East), no direction was issued to the alleged Contemner to ensure its listing or fixation before any particular Court. The administrative assignment and fixation of cases lies within the domain of the competent judicial/administrative authorities and is not within the control of the alleged Contemner.
7. It is well-settled that for constituting contempt, there must be a wilful and deliberate disobedience of a clear and unambiguous order. In the present case, no such direction can be attributed to the alleged Contemner, nor can wilful disobedience be inferred merely because the matter was subsequently proceeded before a different court pursuant to administrative arrangements.
8. The Counsel for Applicant further alleges that additional contempt of the Transfer Order was committed by the alleged Contemner when he initially moved an application for transfer of Suit Nos.106 and 5230 of 2025 but subsequently withdrew the same, as a result of which the Applicant's Suit 5230 of 2025 was dismissed for non-prosecution. This contention is also without force. The Transfer Order did not cast any obligation upon the alleged Contemner to file or pursue any transfer application. Rather, it expressly left both parties at liberty to seek such relief before the competent forum. The dismissal of the Applicant's Suit for non-prosecution cannot be attributed to any act or omission of the alleged Contemner as the duty to diligently prosecute it before the relevant Court is upon the party instituting it (viz. Applicant in this case). Even otherwise, if the alleged Contemner chose to withdraw his transfer application for any reason, nothing prevented the Applicant from independently moving an appropriate application before the competent forum and ensuring due prosecution of his own case.
9. In view of the above, I find no merit in the instant application, which is accordingly ***dismissed with costs*** of Rs.10,000/- (Rupees Ten Thousand), to be deposited with the High Court Clinic within fifteen (15) days from today.

JUDGE