

Date: _____ Order with signature of Judge _____

- 11.09.2026**

Mr. Muhammed Aarsal Rahatali, Advocate for the Applicant.
Mr. Junaid Hussain Dahar, Advocate for Respondent No.1.
Mr. Muhammad Arif, Advocate for Respondents No.2, 3 & 5.

ORDER

SAMAN RAFAT IMTIAZ, J.- This Civil Revision Application has been filed under Section 115, CPC by the Applicant [Atiya Babar] against the order dated 21.07.2026 passed by the learned District Judge, Karachi South in Civil Transfer Application No. 102 of 2026 whereby the application filed by her for transfer of Suit Nos. 9985 of 2025, 11001 of 2025, 11002 of 2025 and 5540 of 2025 from the respective Courts to the Court of the IXth Senior Civil Judge, Karachi South, has been dismissed.

2. The background of the matter is that the Applicant filed Suit No. 5540/2025 for declaration, cancellation of the leases and permanent injunction, in the Court VI Senior Civil Judge disputing the lease of land reserved in the approved layout plan as public amenity land for a 30-foot-wide public road by the officials of the Respondent No.1 [Karachi Metropolitan Corporation (KMC)] to Respondents No. 2 to 8. According to the Applicant, the land could not legally be leased, transferred, regularized, or used for private purposes because it is reserved for a public road and amenity purposes. Suit No.208 of 2022, filed by Respondent No.2 [Jahanzeb Khan] for a declaration of ownership of Plot Nos.195 and 195-A was already pending before the learned IXth Senior Civil Judge, Karachi South. Suit No.9985 of 2025, filed by Respondent No.4 [Muhammad Hanif], for ownership of Plot Nos.194-K and 194-L, was pending before the learned IInd Senior Civil Judge, Karachi South. Suit No.11001 of 2025, filed by Respondent No.3 [Nadir Hussain], for ownership of Plot Nos.194-G and 194-H, and Suit No.11002 of 2025, filed by Respondent No.5 [Muhammad Tariq], for ownership of Plot No.194-J, were both pending before the learned VIth Senior Civil Judge, Karachi South.

3. According to the Applicant, all five suits concern the same land, the same approved layout plan, the same record of Respondent No.1, and the same set of leases, and raise largely the same questions of facts and law. As such, she contends that keeping them before different Courts created a real risk of conflicting findings, contradictory decrees, repeated recording of the same evidence, and unnecessary multiplicity of proceedings. On this ground, the Applicant filed Civil Transfer Application No.102 of 2026 before the learned District Judge, Karachi South, under Section 24, CPC praying for Suit Nos. 9985 of 2025, 11001 of 2025, 11002 of 2025 and 5540 of 2025 to be transferred to the Court of the learned IXth Senior Civil Judge, Karachi South, where the earliest of the connected suits, Suit No. 208 of 2022, was already pending and because the disputed land falls within the limits of Police Station Defence as such the learned IXth Senior Civil Judge, Karachi South is the court of competent jurisdiction

4. By way of the impugned order dated 21.07.2026, the learned District Judge has held that the suits are more or less between the same parties, concerning the same subject matter, and as such need to be heard and decided by one Court to avoid conflicting judgments. Despite this finding, the learned District Judge did not transfer the connected suits to the learned IXth Senior Civil Judge. Instead, the Suit No. 208 of 2022 has been withdrawn from the learned IXth Senior Civil Judge and Suit No. 9985 of 2025 (then Suit No.1181 of 2023) from the learned IInd Senior Civil Judge, and transferred both, "on administrative grounds", to the Court of the learned VIth Senior Civil Judge, Karachi South, where Suit Nos.11001 of 2025, 11002 of 2025 and 5540 of 2025 were already pending trial.

5. The learned counsel for the Petitioners explained that the present Revision Application is confined to the choice of the learned VIth Senior Civil Judge as the transferee Court, as against the learned IXth Senior Civil Judge, where, according to the Applicant, the earliest suit was pending and to which Court matters from the relevant locality stood assigned. He submitted that the impugned order does not deal with the Applicant's plea about the territorial assignment of Police Station Defence matters to the learned IXth Senior Civil Judge. It also does not discuss the fact that Suit No.208 of 2022 was the first of the connected suits to be filed. The only reason that can be found in the operative part of the order is that a larger number of the connected suits happened to be pending before the learned VIth Senior Civil Judge.

6. The learned counsel for the Respondents No. 2, 3 & 5, at the very outset, confirmed that territorial jurisdiction does indeed lie with the IXth Senior Civil Judge, Karachi (South); however, submitted that the impugned

order very clearly states that the learned District Judge, Karachi (South) used his 'administrative powers' to transfer Suit No. 208/2022 from IXth Senior Civil Judge, Karachi (South) to VIth Senior Civil Judge, Karachi (South) in view of the ground that connected Suits No. 11001, 11002 and 5540, all of 2025 were already pending in the latter Court. He further points out that the transfer application has been filed belatedly. The suits filed by the Applicant are not maintainable, due to which the said Respondents filed an application for rejection of plaint under Order VII, Rule 11, CPC which was heard by the VIth Senior Civil Judge, Karachi (South), and the matter was reserved for judgment, at which point the transfer application was filed by the Applicant, and that too for transfer of cases so that they may be heard by the same Court to avoid conflicting judgments, and not from the VIth Senior Civil Judge, Karachi (South) to the IXth Senior Civil Judge, Karachi (South).

7. The learned counsel for Respondent No.1 [KMC] has submitted a statement dated 09.09.2026 that KMC has also instituted a Suit No. 1873 of 2026 before the learned IXth Senior Civil Judge, Karachi (South), and as such prayed that it has no objection if cases are transferred to any Court, but that it should be heard by the same Court.

8. On the other hand, the learned counsel for the Applicant in rebuttal has drawn the Court's attention to the prayer of the transfer application, whereby it was specifically stated that the Suits No. 9985/2025, 11001/2025, 11002/2025 and 5540/2025 may be transferred to the IXth Senior Civil Judge, Karachi (South), where Suit No. 208/2022 is already pending adjudication. He further submits that although the District Judge has powers to transfer the matter on administrative reasons, however, in the instant case, the transfer has been pursuant to the application of the Applicant, and therefore, administrative grounds could not have been utilized to transfer matters from the Court that has jurisdiction to a Court that does not have jurisdiction. He has relied on the case of *Mst. Shamshad Akhtar through L.Rs v. Muhammad Rafique Thakayda*, 2017 MLD 1161 and the case of *M/s Sixon Pakistan Pvt. Ltd. v. Ghulam Fareed Zahid*, 2017 CLC 518.

9. Heard the learned counsels for the Applicant, Respondent No.1 and Respondents No.2, 3 & 5 and perused the entire record with their assistance.

10. The learned counsel for the Applicant has submitted a jurisdiction wise list of all Senior Civil Judges of District Karachi South, according to which territorial jurisdiction of P.S Defence lies with the IXth Senior Civil

Judge, Karachi (South). All parties before this Court today are in agreement that it is the IXth Senior Civil Judge, Karachi (South), who has territorial jurisdiction in the matter. The impugned order does not cite any administrative reasons to justify the transfer of Suit No. 208/2022 from IXth Senior Civil Judge, Karachi (South) to VIth Senior Civil Judge, Karachi (South), instead of transferring the suits pending before VIth Senior Civil Judge, Karachi (South) to IXth Senior Civil Judge, Karachi (South), and as such, to the extent that administrative grounds have been exercised, the same appears to be a non-speaking order in violation of the settled principles that no discretion can be used arbitrarily.

11. In view of the foregoing, the instant civil revision is allowed; impugned order dated 21.07.2026 is modified to the extent that Suit No. 9985/2025 pending before the IInd Senior Civil Judge, Karachi (South) and Suits No. 11001/2025, 11002/2025 and 5540/2025 pending before VIth Senior Civil Judge, Karachi (South) will be transferred to IXth Senior Civil Judge, Karachi (South), where Suit No. 208/2022 is already pending. However, if Suit No. 208/2022 has already been transferred as a result of the impugned order, the same may also be transferred to IXth Senior Civil Judge, Karachi (South).

J U D G E

Imran