

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Civil Transfer Application No.5 of 2026

Date

Order with Signature(s) of Judge(s)

- 1.For hearing of C.M.A. No.324/2026.
2.For hearing of main case.

03.08.2026

Mrs. Khalida Bibi Awan, Advocate for applicant.
Mr. Raja Hassan Nawaz, Advocate for respondent.

Through instant Civil Transfer Application, applicant/respondent seeks transfer of G & W Case No.2411/2025 from the Court of Family Judge-South Karachi to any other competent Court of the same district.

Learned counsel for the applicant contends that previously Family Suit No.156/2024 filed by the applicant against the respondent for recovery of dowry articles, bridal gift, maintenance for iddat period as well as past and future maintenance of the minors was decided by the same Presiding Officer, wherein despite categorical admissions of the respondent, the Presiding Officer passed a prejudicial and biased judgment by declining the claim of the applicant regarding recovery of bridal gift. Hence, the applicant has developed a reasonable apprehension that she will not get fair and impartial justice from the said Court in present G & W Case.

On the other hand, learned counsel for respondent maintains that both the parties preferred the appeals against the judgment and decree passed by the Court in Family Suit, which have been decided by the Appellate Court on 30.01.2026 through consolidated judgment by maintaining the judgment of the Family Court in substance; hence, apprehension of the applicant regarding not getting fair justice is baseless.

Heard record perused.

It appears that judgment passed by the Family Court in Family Case No.156/2024 has been maintained by the Appellate Court viz. VIIIth Additional District Judge (Model Civil Appellate Court) Karachi-South in following terms:-

“It is hereby ordered that the impugned judgment is maintained in substance; however, it calls for partial modification to the extent that the maintenance awarded in favour of plaintiff No.3 is hereby set aside, in view of the admitted and established fact that his permanent custody rests with the appellant/defendant Farooq Akhtar and mere temporary visitation does not create an enforceable right of maintenance payable to the non-custodial parent. Consequently, the direction requiring deposit of maintenance before the Nazir shall stand restricted to plaintiff No.2 alone with regard to future maintenance. Furthermore, while the direction for return of unused dowry articles is upheld, the appellant/plaintiff No.1 shall also be entitled to receive monetary compensation equivalent to the depreciated value of such dowry articles which though used, are admittedly still in existence and in possession of the appellant/defendant, therefore, a depreciated value of Rs.50,000/- is awarded against such used dowry articles. Save and except for the modifications so indicated, the remaining findings and directions of the learned trial Court, being well-reasoned, based on proper appreciation of evidence and free from any perversity or misreading of record are upheld”.

From perusal of the aforementioned, there appears no impartiality of the Presiding Officer or bias as nothing such has been observed by the Appellate Court. On the contrary, the Appellate Court has substantially maintained the judgment and decree passed by the Presiding Officer in the aforementioned Family Suit.

It may be observed that the transfer of cases cannot be permitted on flimsy grounds as such transfer would shake confidence which is

necessarily to be reposed in Presiding Officer. Judges should not be dubbed as vulnerable and weak persons, who can be influenced by the parties or their relations without there being any basis for flimsy allegations. Where unjustified allegations are made against the Presiding Officer and absolutely no ground for transfer is made out, the order refusing transfer is justified. The ground taken by the applicant in the instant Civil Transfer Application appears to be vague and baseless. Hence, instant Civil Transfer Application is dismissed alongwith listed application.

CHIEF JUSTICE