THE HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Civil Transfer Application No. S-12 of 2026
[Shahbaz Khan v. Mir Muhammad and others]

Civil Transfer Application No. S-13 of 2026
[Shahbaz Khan v. Mir Muhammad and others]

Civil Transfer Application No. S-19 of 2026
[Mst.Rubina v. Mir Muhammad and others]

Civil Transfer Application No. S-20 of 2026
[Mst.Rubina v. Mir Muhammad and others]

Civil Transfer Application No. S-21 of 2026
[Mst.Rubina v. Mir Muhammad and others]

Civil Transfer Application No. S-22 of 2026
[Mst.Rubina v. Province of Sindh and others]

Civil Transfer Application No. S-23 of 2026
[Mst.Rubina v. Province of Sindh and others]

Civil Transfer Application No. S-24 of 2026
[Mst.Rubina v. Province of Sindh and others]

Applicants: Through Syeda Mairaj Shah, Advocate/an associate of Mrs.Razia Ali Zaman Patoli, Advocate for the applicants

Respondents: Nemo.

Date of Hearing: **11-11-2026**

Date of Order: **11-11-2026**

O R D E R

MUHAMMAD HUMAYON KHAN-J, These applications under section 24, C.P.C. seek transfer of connected civil suits pending before the Court of the learned Senior Civil Judge-III (MCTC), Shaheed Benazirabad, to another competent court at Nawabshah. As they arise from proceedings before the same court and raise substantially common grounds, they are being decided by this common order.

2. Shahbaz Khan is the applicant in Civil Transfer Applications Nos. S-12 and S-13 of 2026. Mst. Rubina widow of late Noor Muhammad Jamali is the applicant in Civil Transfer Applications Nos. S-19 to S-24 of 2026. The applications identify the proceedings as F.C. Suits Nos. 65 and 297 of 2023, 71 and 65 of 2025, and 276, 210 and 277 of 2024.

3. Learned counsel for the applicants, Ms. Syeda Mairaj Shah, contended that the suits have remained pending without

meaningful progress; that the applicants' applications, including one for inspection of the site, have not been decided, whereas applications filed by the opposite side have been taken up and that the applicants are not afforded dates on the same footing as the other side. It was further submitted that no order had been passed despite a direction of the learned Additional District Judge in a civil appeal to the revenue department to continue its work. As to the applications in Civil Transfer Applications Nos. S-21 to S-24 of 2026, counsel also alleged that the opposite parties are influential and have threatened that they would secure a favourable result. On these grounds, the applicants claim to have lost confidence in the trial court and to entertain a bona fide apprehension that they may not receive a fair hearing. Counsel submitted that the applications are not intended to delay the suits, that transfer would cause no prejudice to the respondents and that this Court may transfer the proceedings under section 24, C.P.C. She accordingly sought their transfer to another court of a Senior Civil Judge at Nawabshah.

4. The applicants had earlier sought transfer before the learned District Judge, Shaheed Benazirabad. The applications filed by Shahbaz Khan concerning F.C. Suits Nos. 65 and 297 of 2023 were dismissed on 14.07.2026. The applications filed by Mst. Rubina were dismissed on 28.07.2026. After notice and consideration of the trial court's comments, the learned District Judge found the allegations of bias, favouritism and hostility to be general and unsupported by material. The trial court was directed to decide the suits and pending interlocutory applications on their merits.

5. In its comments, the trial court has denied the allegations. It states that the records of the connected suits were received on 25.10.2025 from the learned 2nd Senior Civil Judge, Shaheed Benazirabad; that the parties have sought adjournments on various occasions and that, when the parties were directed to conclude their arguments, transfer applications were filed first before the learned District Judge and thereafter before this Court. The trial

court further states that the pending transfer applications prevented it from proceeding with the interlocutory applications.

6. Section 24, C.P.C. confers a discretionary power to withdraw a suit or proceeding from a subordinate court and transfer it to a competent court. The power is to be exercised judicially and only where sufficient cause is shown. The applicant must establish, on objective grounds, a reasonable apprehension that a fair and impartial hearing cannot be had before the court concerned. A litigant's subjective loss of confidence, dissatisfaction with the progress of a case or disagreement with an order, by itself, does not warrant transfer. An order considered erroneous may be challenged before the forum provided by law; a transfer application cannot be used as a substitute for that remedy or to choose the forum.

7. The material placed before the Court does not establish such an apprehension. No personal interest, hostility, relationship or improper conduct is attributed to the presiding officer. Nor has any particular date, order or act been identified from which partiality may reasonably be inferred. The complaints regarding the site-inspection application, the dates fixed and the absence of an order following the direction of the learned Additional District Judge concern the conduct and management of the proceedings. They may be brought to the trial court's attention and are to be decided there in accordance with law. They do not, without more, furnish a ground to transfer the suits. The trial court's comments also indicate that the successive transfer applications have impeded its progress in taking up the pending interlocutory applications.

8. The allegation that the opposite parties are influential and have threatened to obtain a favourable result is stated without particulars. The applications do not identify what was said, by whom, when or where, nor do they connect the allegation with any conduct of the presiding officer. A party's asserted confidence in the outcome of its case does not, without supporting circumstances, give rise to a reasonable apprehension of an unfair hearing. The submissions

concerning the merits of the suits cannot be examined in these proceedings and no opinion is expressed on them.

9. The same general grievances were considered by the learned District Judge and found unsupported. This Court is not sitting in appeal over those orders. No subsequent circumstance or material has been shown that would justify a different conclusion in these applications.

10. For these reasons, the applicants have failed to establish sufficient cause for transfer under section 24, C.P.C.

11. Accordingly, Civil Transfer Applications Nos. S-12, S-13 and S-19 to S-24 of 2026 are **dismissed**, along with any pending applications. The trial court shall hear and decide the pending interlocutory applications, including the application for site inspection, after hearing the parties, within one month from receipt of this order. It shall thereafter proceed with the suits expeditiously and make every endeavour to conclude them, preferably within six months, subject to cooperation by the parties. Unnecessary adjournments shall be avoided. Nothing in this order shall prejudice either side on the merits of the suits. A copy of this order shall be placed in each connected file and transmitted to the trial court through the learned District and Sessions Judge, Shaheed Benazirabad, for compliance.

12. Before parting, the Court records its appreciation for the assistance rendered by Ms.Syeda Mairaj Shah, Advocate. Though a young member of the Bar, she presented the applicants' case with commendable preparation, clarity and courtesy.

JUDGE

AHSAN K. ABRO