

**IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS**

**Civil Transfer Application No.S-07 of 2025**

**Civil Transfer Application No.S-08 of 2025**

Applicant: Mst. Aqeela Wd/o Abdul Wajid,  
Through Mr. Agha Iftakhar Hussain  
Tareen, Advocate.

Respondents: Mst. Shahida Bibi and others.

Date of Hearing: 04.12.2025.

Date of Order: 04.12.2025.

**ORDER**

**Shamsuddin Abbasi, J:** Through these transfer applications, applicant seeks transfer of the F.C Suit No.16 of 2024 (Re- Mst. Shahida Bibi vs. Mst. Aqeela and others) and F.C Suit No.03 of 2024 (Re- Mst. Aqeela vs. Mst. Shahida Bibi & others), which are pending before the learned Senior Civil Judge, Tando Adam, to any other Court.

2. Per learned counsel, the learned Presiding Officer has expressed that he will decide the case in favour of the respondents, due to which the applicant has lost confidence over the learned Presiding Officer. He further argued that the applicant has a right of a fair trial under Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973. Therefore, he prayed for transfer of aforementioned cases from the Court of Senior Civil Judge, Tando Adam to any other Court.

3. Heard and perused.

4. I have gone through the impugned order and relevant portion of the said order is reproduced as under:

*“The main grounds mentioned in the application are that on the allowance of learned Presiding Officer, applicant filed compromise application with her opponents which was allowed but later-on applicant preferred civil misc. appeal against such order which was allowed by learned appellate court with directions to learned Judge to pass a fresh order but subsequently applicant filed statement for withdrawal from compromise application, as such, learned Presiding Officer dismissed compromise application vide order dated 16.07.2025. It is also alleged in the transfer applications that after remand of the suits, the learned Presiding Officer became annoyed and threatened the applicant to decide the matters in favour of applicant’s opponents, therefore, applicant has apprehension that she will not get justice from the learned Presiding Officer. In his comments, learned Presiding Officer denied the allegations and also mentioned that compromise filed by counsels of both parties and after remand of the suits, applicant is not proceeding with the suits.*

*It is settled principle of law that cases should not be transferred from the court of competent jurisdiction, unless allegations/grounds seeking transfer of the case were supported by strong cogent reasons or convincing evidence. It is also settled principle of law that one seeking the transfer application must be kept in mind that the parties should not be allowed to pick and choose the courts of their own choice or liking. Reliance is placed on **PLD 2014 Sindh 287 (Altaf Hussain vs. The State)**.*

*It is also held in the case reported in **2015 YLR 2292 (Amin Kalhoro vs. The State)** that transfer of case cannot be sought at the whim of the party or on vague allegations. Further the applicant has to specifically substantiate such transfer. The learned Presiding Officer clearly stated that he has no objection for the transfer of the justice at the hands of learned Presiding Officer, do not give any ground for transfer of the suits. Every Presiding Officer is to be burdened with the cases of the case and there are forums always available to the parties to challenge the orders/judgments arising out of merits against them. Merely on this ground, the matter cannot be transferred as to be decided on merits.*

*Further, it is astonishing to note that applicant alleged that learned Presiding Officer threatened that he would decide the suits in her favour, in this regard, neither applicant disclosed the date, time and place nor filed affidavit of her counsel in support of her above allegation against learned Presiding Officer, which clearly indicates that applicant has made false allegation in order to transfer the suits from the court of learned Presiding Officer. It is pertinent to mention here that compromise application was filed by the parties through their counsels which was duly signed by the parties and their counsels. In view of compromise application the applicant handed over the cheques to her opponent, (who is her real sister). Nothing brought on the record that learned Presiding Officer was either prejudice or bias against the applicant which might justify the transfer of the case”*

4. It is evident that the applicant has failed to substantiate the allegations levelled against the learned Presiding Officer with any

credible, cogent or convincing material. The assertions of bias and alleged threats remain wholly uncorroborated, as neither the date, time, nor place of the alleged incident has been disclosed, nor has any supporting affidavit of counsel been filed to fortify such a serious allegation. Record further reflects that the compromise application was voluntarily submitted by the parties through their respective counsels and duly signed, and no material has been brought on record to establish that the learned Presiding Officer acted with prejudice or animosity towards the applicant at any stage of the proceedings.

5. Learned counsel for the applicant has failed to point out any illegality or irregularity in the impugned order, which has been passed in accordance with law by learned District Judge, Sanghar. He has also failed to point out any act of Presiding Officer which prejudice the case of the parties. No case for interference is made out, therefore, both the Civil Transfer Applications stand **dismissed**.

**JUDGE**

*\*Adnan Ashraf Nizamani\**