

ORDER SHEET  
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR  
Civil Tr. Application No.S-05 of 2019

Date	Order with signature of Judge
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- 1. For orders on office objection at flag 'A'
- 2. For orders on CMA No.259/2019
- 3. For hearing of main case

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Mr. Imtiaz Hussain Memon, Advocate for the applicant

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Date of hearing: 15.04.2019  
Date of order: 15.04.2019

**ORDER**

**ZAFAR AHMED RAJPUT, J:-** By means of this Family Transfer Application under section 25-A of the Wes Pakistan Family Court Act, 1964, the applicant Peeral Khan seeks transfer of Family Suit No.154 of 2018 (*Re- Baby Rameezan v/s Peeral Khan*) from the Court of learned Family Judge, Bhiria to another Family Court of District Naushahro Feroze.

2. Learned counsel for the applicant submits that the plaintiff of Family Suit bearing No.154/2018, namely Baby Rmeezan, the opponent herein, is the daughter of the applicant and earlier to this a family suit of similar nature was filed by the mother of the plaintiff bearing No.69/2009 before the Family Judge, Naushahro Feroze for her maintenance as well as maintenance of her Baby Rameezan, wherein a compromise was taken place between the parties in a private faisla whereby the applicant paid an amount of Rs.170,000/-, however now the Presiding Officer of the trial court is pressurizing the applicant to satisfy the opponent party otherwise he shall pass order against him, hence the applicant has no hope of getting justice from the hands of learned Presiding Officer of the trial Court, therefore, instant Transfer Application has been filed.

3. It may be observed that transfer of a case from one court to another court cannot be claimed by the applicant as a matter of right or cannot be granted as a matter of routine and the Court before whom the application for transfer is moved, has to see whether mistrust shown by the applicant is genuine or otherwise. Besides, while exercising jurisdiction to transfer of cases from courts, balance has to be struck in order to ensure that the cases are not transferred mainly on the basis of unfounded and conjectural apprehensions. It may also be relevant to observe here that the Presiding Officers of the Courts have to be given full protection against frivolous allegations in view of the honours, noble and dignified duty they are performing while deciding the cases, they should not be allowed to be harassed unnecessarily by the litigants to entertain groundless and baseless apprehensions.

4. In the instant case it is beyond comprehension that at the initial stage where the issues have yet not been framed, the Presiding Officer of the Court will pressurize the applicant. It may also be observed that in support of the allegation against the Presiding Officer of the trial court nothing has been brought on record. Even no definite instances have been given. Hence the case cannot be transferred on the vague and absurd allegations and at the whim of the applicant. This would setup an unhealthy precedent and would be tantamount to conferring powers of transfer upon the parties defeating the purpose of law. Hence this transfer application being devoid of merits is dismissed in limine along with listed applications.

JUDGE