ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Constt: Pett: No. S-416 of 2019.

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Date	Order with signature of Hon'ble Judge

1. For orders on M.A No.797/2019.
2. For orders on office objection as flag A.
3. For hearing of main case.

13.6.2019

Mr. Abdul Sami Shahani, advocate for the petitioner

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1.   Granted.

2&3.   Learned counsel argued at length and states that the petitioner apprehends that he will not be given a fair trial as envisaged under Article 10-A of Constitution of Pakistan because same learned Rent Controller has passed eviction orders in respect of other shops situated in the same building, namely, 'Latif Shopping Centre' comprising about 30 shops at ground floor. It is further averred that the petitioner is running his business in one of the shops under name and style of 'Al-Fateh Civic Center'. It is further stated that the petitioner may not be deprived of his livelihood on 'extraneous factor'.

Arguments heard and record perused.

Transfer of a case from one court to another is done in exceptional circumstances and not in a routine manner as it may undermine the jurisdiction and the authority of a Court seized of the matter. If such orders are passed in routine, this could also damage the judicial hierarchy as it may amount to choosing a forum by litigants, which is not permitted by any scheme of law.

As far as the apprehension of petitioner's counsel is concerned that adverse orders have been passed by the learned Renter Controller in respect of other demise premises/shops in the above building, it is necessary to observe that each case has its own merits and the decision should be given by considering facts of each case separately. The learned Rent Controller while deciding the case of present petitioner will consider the evidence produced and merits of the case and should not be influenced by earlier orders passed in respect of other shops. Matter will be decided strictly within four corners of law and after fulfilling due process of law.

In view of above, instant petition stands disposed of.

JUDGE