

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Civil Transfer Application No.S-04 of 2026

Civil Transfer Application No.S-05 of 2026

Civil Transfer Application No.S-06 of 2026

Civil Transfer Application No.S-07 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
	For orders on urgent application. For orders on exemption application. For orders on stay application. For hearing of main case.

27-04-2026

Mr. Malik Muhammad Haroon, advocate for the applicant.

These four Civil Transfer Applications arise out of rent dispute pending before the Rent Controller-III, Hyderabad, pertaining to certain shops located in Ward-A, Grain Market, Hyderabad.

The applicants are aggrieved by the order dated 16.04.2026 passed by the District Judge, Hyderabad, in Transfer Applications No. 47, 48, 49 & 50 of 2026. He submits that the concerned Rent Controller is allegedly biased concerning a rent dispute involving shops located in Ward-A, Grain Market, Hyderabad. Therefore, they seek transfer of the case(s) from the Rent Controller-III, Hyderabad, to any other Court. At the outset counsel has submitted statement dated 27.04.2026 which is taken on record subject to all just exceptions.

I have perused the documents available on record. Primarily, the counsel for the applicants is aggrieved that the Court has not heard several applications filed by him, including one seeking a report from the Nazir. At the same time, as per the impugned order, it appears that when the rent applications were filed, the applicants were required to deposit the monthly rent arrears within 30 days; however, this was not done. Today, learned counsel for the applicants submits that since that date of the impugned order the rent has been deposited. Now that the deposit has been made, the subsequent applications to be taken up by the

Court are still awaiting to be heard. Therefore, he alleged bias on the part of the Rent Controller-III.

Heard counsel and perused record. The applicants' claim per se (of delay and/or deferring hearing of applications) in itself does not equate to a bias and/or prejudice. The procedural choices to proceed or not to proceed with applications filed before the Court are to be understood in the background and context of facts and circumstances peculiar to each case and no hard and fast rule can be laid down that may impede the process of the Court which has conduct of the lis.

While the Court's decision to keep the several applications pending and/or to defer passing order and/or adjourning the hearing may have caused apprehension on the part of the applicants now with compliance of the Rent Controller's order to deposit arrears of rent, may be resolved with articulation of the Court's order viz. the pending interlocutory miscellaneous applications. Passing orders, be it interim or for notice or otherwise, explaining positively the reasons for the Court's decision viz. pending applications, enables parties understanding of the Court's process, helps manage their expectations and brings clarity and transparency to the judicial process. The bench expects the Rent Controller-III Hyderabad will continue to conduct the trial keeping in view such principles within the contours of the Sindh Rented Premises Ordinance, 1979 (SRPO). Certainly, at this point I do not find any bias or prejudice on the part of the Rent Controller-III Hyderabad in the facts and circumstances of the case.

The Rent Controller-III, Hyderabad appears to have passed orders albeit within his own wisdom viz. management of the case balancing hearings and the docket within the procedural framework of SRPO. Further neither bias nor prejudice is made out in the present transfer applications. The impugned order(s) dated 16.04.2026 does not require any interference. Accordingly, the transfer applications, along with the listed applications, are dismissed with the observation that the concerned Rent Controller shall proceed with the matter in

accordance with law providing an opportunity of hearing to the applicants as well as decide without delay all pending applications as deemed fit and necessary, and pass appropriate orders with reasons in relation to these applications enabling the Court and the parties to move expeditiously towards final adjudication of the subject dispute pending before the Rent Controller.

Order accordingly.

J U D G E

Irfan Ali