

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
Civil Revision Application Nos.131 to 143 of 2024

| Date | Order with Signature of Judge |
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- 1.For order on office objection
- 2.For order on CMA No.8252/2024
- 3.For hearing of main case

15.01.2026

None present

These thirteen (13) Civil Revisions were instituted in the High Court on 05.08.2024 – almost eighteen months ago. Neither any interim order nor any stay order has been passed therein. None have appeared on behalf of the applicant/Zeesan Saleem Zaki, nor has any intimation been received. For expediency, I have consolidated these thirteen (13) civil revisions for today's hearing and pass this common order in all the said thirteen (13) civil revisions.

All the thirteen (13) civil revisions arise out of the Order dated 26.02.2024, passed by the District Judge Karachi West in the civil transfer applications nos.74/2023 to 86/2023. The applicant/defendant-Zeesan Saleem Zaki, is aggrieved by the series of orders passed by VIIth Senior Civil Judge Karachi West (the “trial Court”) in the multiple suits filed against him on various grounds by the allottees of the Saima Arabian Villas project in Deh Jam Chakro Karachi.¹ Applicant/defendant had moved transfer applications before the District Judge Karachi West, seeking the transfer of the multiple suits from the trial Court to any other Court, on the grounds that the trial Court had passed orders in these multiple suits from time to time, which were adverse to the interest of the appellant/defendant, on account of alleged personal bias on the part of the presiding judge of the trial Court. However, the District Judge Karachi West, after hearing the parties, did not accept the applicant/defendant-Zeesan Saleem Zaki's plea and, after giving detailed reasons, dismissed the said civil transfer applications, by the impugned Order. Hence, these thirteen (13) civil revisions.

It appears, on perusal of the multiple orders of the trial Court available in the Revisions, that these orders, passed from time to time, by the presiding

¹ The multiple orders passed by the trial Court which the applicant/defendant alleges suggests bias on the part of the presiding judge of the trial Court involve suits listed on page-5 of the Revision Application No.132/2024, and include Suit No.2136/2022 in CTA No.74/2023 in CRA No.131/2024; Suit No.2143 /2023 in CTA No.75/2023 in CRA No.132/2024; Suit No.1956/2023 in CTA No.76/2023 in CRA No.133/2024; Suit No.2060/2022 in CTA No.77/2023 in CRA No.134/2024; Suit No.1905/2022 in CTA No.78/2023 in CRA No.135/2024; Suit No.2061/2022 in CTA No.79/2023 in CRA No.136/2024; Suit No.1957/2023 in CTA No.80/2023 in CRA No.137/2024; Suit No.2101/2021 in CTA No.81/2023 in CRA No.138/2024; Suit No.2135/2022 in CTA No.82/2023 in CRA No.139/2024; Suit No.2062/2022 in CTA No.83/2023 in CRA No.140/2024; Suit No.1849/2023 in CTA No.84/2023 in CRA No.141/2024; Suit No.1513/2021 in CTA No.85//2023 in CRA No.142/2024; and Suit No.2064/2022 in CTA No.86/2023 in CRA No.143/2024.

judge of the trial Court, were challenged by the applicant/defendant and, apparently, also set aside by the appellate forum. The appellate forum set them aside not because they were bereft of reasoning, but because it disagreed with the trial court's reasoning. There are no adverse observations made by the appellate forum that set aside the orders concerning the presiding Judge of the trial Court, suggesting procedural impropriety and/or bias on the part of the presiding Judge. Given that multiple orders have been challenged, the applicant/defendant cannot now turn around and claim bias against the same trial Court, because the trial has to be continued before the same presiding judge of the trial Court whose multiple orders have been set aside. Indeed, quite independently, the record does not reflect any arbitrariness in the multiple orders passed by and/or bias on the part of presiding judge of the trial Court. The applicant/defendant's perceived apprehension of bias during the remaining trial proceedings is misconceived in the facts and circumstances is neither compelling nor persuasive grounds for transferring the suits to a different trial Court. Furthermore, the applicant/defendant-Zeeshan Saleem Zaki, has exercised his right of appeal and challenges, such as these transfer applications, stall the main proceedings, as well, and the plea for transfer of the case must be understood in the context of its own peculiar facts and circumstances, too. None is made out in the instant case, and the prayer for transfer does not inspire confidence. Last but not least, the presiding judge of the trial Court who conducted the trial in 2024 is no longer presiding over the trial Court in 2026. Thus, no grievance can be made out against the current presiding judge of the trial Court. The applicant/defendant's plea for transfer of the case on account of the alleged personal bias of the trial Court, with the change in the presiding judge of the trial Court, has become infructuous, too. Therefore, these thirteen (13) civil revision applications are liable to be dismissed on this score, as well.

Given the above, I do not find any defect in the impugned Orders dated 26.02.2024, passed by the learned District Judge Karachi (West) in the concerned Civil Transfer Application Nos.74/2023 to 86/2023, dismissing the same. I have no reason to interfere in the impugned Orders. Therefore, for the above reasons, which are in addition to those (reasons) set out in the impugned Orders dated 26.02.2024, these thirteen (13) civil revision applications filed in this Court are also hereby dismissed.

Office to place a copy of this Order in the connected matters, as well as forward copy to the trial Court.

J U D G E