

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
R.A No. 266 of 2010

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on CMA-1031/2010
2. For katcha peshi.

29.11.2016.

None present for the parties.

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This is a Civil Revision of the year 2010 and therefore I am not inclined to adjourn it as it involves a very short controversy.

The applicant has challenged the order dated 09.08.2010, passed by the learned District Judge, Badin in Civil Transfer Application No.11/2010, filed by the present applicant, seeking transfer of his Civil Appeal No.23/2010, which was at that relevant time *sub judice* before the Court of Ist Additional District Judge, Badin to some other Court.

After hearing the Counsel for the parties and examining the record, the impugned order was passed, whereby the above mentioned civil transfer application was dismissed being meritless. Consequently, this revision application has been filed by the applicant against the impugned order. The main apprehension of the applicant, as mentioned in the present revision application, is that respondents No.1 to 6 have extended threats to the applicant and they have claimed their close relationship with the learned Judge, who was seized of the matter at that relevant time.

It is observed though regretfully that a recent trend is, that parties move such application for transfer of the case with an object to prolong the matter, though cogent material is usually not available with the parties, which can justify grant of such transfer application but yet in order to create sensationalism in the matter and to gain sympathy of the Court, having supervisory jurisdiction, even the allegations are leveled against the Presiding

Officers/Judicial Officers, before whom the cases are pending adjudication. These applications even otherwise cannot be allowed or granted as a matter of routine as it will lead to a situation where at some point in time, the parties and their Counsel in effect would be choosing Courts and Benches of their choice, which is against the norms of administration of justice. On the other hand, when such transfer applications are filed in the Court, then the Court from which the transfer of a case is sought, usually refrains itself from proceeding further as a matter of legal propriety, which means that the case has been unnecessarily delayed. On the other hand, the Courts which are seized of the matter should also be mindful of the fact that they proceed with the cases in such a manner that justice should not only be done, but it should manifestly and undoubtedly be seen to be done, so that no party or litigant can come up with any plea of the nature about the learned Judicial Officers of the Courts. The other aspect of the case is that instant Revision with the passage of time has even otherwise become infructuous.

With the above observations and the reasoning, I do not find any material irregularity in the impugned order, which justifies any interference in this revisional jurisdiction and consequently this revision application is dismissed.

JUDGE

Shahid