

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.T.A. No.2 of 2018.

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For katcha peshi.
2. For hearing of M.A-26 of 2018.

23.02.2018.

Mr. Jamshed Lucas Khokar, Advocate for the applicant.

Syed Shahzad Hyder Shah, Advocate for respondent No.1.

Mr. Wali Muhammad Jamari, Assistant A.G.

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Learned counsel for the applicant states that the learned Presiding Officer of the trial Court had threatened the applicant to decide the case against him although adjournments applications were filed on part of the applicant and an application under Order VII Rule 11 CPC as filed by him was also awaiting hearing. It is further contended on part of learned counsel for the applicant that on account of such conduct the applicant has lost his trust on the learned Presiding Officer, as such this transfer application.

2. Learned counsel for respondent No.1 on the other hand, contends that the suit for specific performance of contract was filed in the year 2016 wherein after filing of the written statement, an application for amendment was also filed and that was to be heard alongwith the application under Order VII Rule 11 CPC; however, the said applications were kept pending on account of repeated adjournments being sought by learned counsel for the applicant. It is further contended on part of learned counsel for respondent No.1 that attempt for the transfer of the said suit was also made before the learned District Judge on the same ground, which has been dismissed.

3. Learned AAG supports the contention of the learned counsel for respondent No.1 and further contends that no valid ground has been brought up for transfer of the subject suit.

4. Having heard the learned counsels, learned AAG and gone through the record, it is hard to believe that a prejudice can actually be caused without any

action in actuality existing on part of learned Presiding Officer of the trial Court. Nothing has been shown to establish any element whereby the proceedings are likely to be treated fit for transfer. In the circumstances, the instant civil transfer application does not merit any entertainment. The same stands dismissed with costs and further the learned trial Court is directed to expedite the disposal of the case preferably within a period of 06 (six) months.

5. In view of above, the pending application also stands dismissed.

JUDGE

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