

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr.Tr.A. S - 09 of 2019.

For Hearing of main case.

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29.07.2019.

Mr.Aachar Khan Gabole Advocate for applicant.

Mr.Khalil Ahmed Maitlo DPG.

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ARSHAD HUSSAIN KHAN, J.- Through this application, applicant seeks transfer of his Summary Suit bearing No.02 of 2016 alongwith Execution Application No.04 of 2016 from the Court of learned Illrd Additional District Judge, Naushahro Feroze to any other competent Court of law.

2. It is, inter alia, contended by the learned counsel that the suit of the applicant was decreed on 19.01.2016 and subsequently execution application was also allowed on 15.09.2017. However, thereafter no attachment order in respect of properties of the Judgment-Debtor has been passed. Further contended that the respondent/Judgment-Debtor despite various notices has failed to appear before the Court, however, learned trial/executing Court instead of passing orders giving dates in the matter. Per learned counsel the suit of the applicant was decreed in the year 2016 and since then the Applicant/Decree holder has failed to reap the benefits of the said decree and such he is facing serious hardship and inconvenience to appear before the Court each and every date at the time of hearing because of incurring the expenses. Per learned counsel in the present

scenario, the applicant has lost confidence upon the Court and seeks transfer of this case to any other competent Court of law.

3. Pursuant to the notice, comments have been received from learned IIIrd Additional District Judge, Naushahro Feroze wherein while denying the allegations leveled in this transfer application, it has been informed that the matter is being proceeded in accordance with law and no undue favor has been given to the Judgment-Debtor.

4. I have considered the arguments and also gone through the grounds taken by the applicant in this transfer application and I am of the view that the applicant has failed to make out a sufficient ground for transfer of the case.

5. Accordingly, this transfer application is dismissed having no merit. However, it is expected that learned trial Court shall conclude the proceedings pending in respect of Execution Application No.04/2016 within a period of two months in accordance with law.

JUDGE

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