

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI  
Civil Transfer Application No. 32 of 2021

Date	Order with signature of Judge
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1. For order on office objection a/w reply as at 'A' :
2. For hearing of main case :

**14.12.2021** :

Syed Ali Ahmed Zaidi, advocate for the applicant.  
Respondent No.2 called absent.

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Through this Civil Transfer Application, the applicant has sought the transfer of G & W Application No.629/2021 (Saman Safdar Abbasi V/S Sardar Muhammad Bux Khan Mahar), pending before the Family Court Karachi South, to any other Family Court. As respondent No.2 did not appear in this case despite repeated notices to her directly and through the learned Family Court, notice of the present transfer application was ordered, vide order dated 11.10.2021, to be published in any leading English newspaper having large circulation in Islamabad. In pursuance of the aforesaid order, the notice was published in daily 'DAWN' (Islamabad) on 27.10.2021. Despite such publication, respondent No.2 has chosen to remain absent.

Comments dated 30.06.2021 have been submitted by the learned Family Court, wherein all the allegations made in the present transfer application by the applicant have been strongly denied. It is stated in paragraph 8 of the said comments that "*It is respectfully submitted that I am performing my duties quite fairly, justly, judiciously without fear and favour. However, this Court has absolutely no objection rather prays for transfer of this case to avoid such type of baseless allegations.....*". The above-quoted prayer / request made by the learned Family Court clearly shows that the said Court is not comfortable in proceedings with the subject case in view of the reasons stated in the comments. In the above circumstances and without looking into the allegations made or grounds urged by the applicant in this transfer application, it appears that it would be in the interest of justice that the subject case is transferred to another Family Court.

Accordingly, the learned District Judge Karachi South is directed to transfer G & W Application No.629/2021 (Saman Safdar Abbasi V/S Sardar Muhammad Bux Khan Mahar), pending before the learned Family Court Karachi South, to any other Family Court. Let this order be communicated forthwith to the learned District Judge Karachi South for compliance.

The instant Civil Transfer Application stands disposed of in the above terms with no order as to costs.

J U D G E