

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Civil Transfer Application No. S – 12 of 2021

(Mst. Mumtaz and another V/s Muneer Ali)

Date of Hearing: **18-04-2022**

Date of Ordert: **18-04-2022**

Mr. Muhammad Ali Ansari, Advocate for the Applicants.
Nemo for the Respondent.

ORDER

Muhammad Junaid Ghaffar, J. – None present on behalf of the Respondent nor any intimation received; same was the position on the last date of hearing. This Civil Transfer Application is pending since August, 2021; whereas, on 20.12.2021, ad-interim order was also passed. Hence, the same is being decided with the assistance of the Applicants' Counsel and on the basis of material available on record.

2. I have heard Applicants' Counsel and perused the record.

3. It appears that the Respondent has filed a Family Suit No.07 of 2021 before the Court of Family Judge at Pir Jo Goth, whereby Respondent seeks cancellation of marriage of the Applicant No.1 with Applicant No.2. According to the Applicant Respondent has filed this Family Suit in order to cause harassment to the Applicant No.1 as the marriage of Applicant No.1 with Respondent already stands dissolved by way of Khulla through Judgment dated 01.12.2016 against which no further remedy was sought by him; whereas, subsequently the Applicant No.1 has entered into marriage with Applicant No.2 in the year 2019. It has been further pleaded since the Respondent resides and has influence in Pir Jo Goth, therefore, he has filed Family Suit in the said jurisdiction. On the other hand, the Applicant No.1 resides in Khairpur, whereas, the earlier Family Suit, whereby Khulla was granted, was also filed and decided by the Family Court at Khairpur. In the facts and circumstances of the case as above, apparently the request / prayer of the Applicants appears to be justified; whereas, nobody has turned on behalf of the Respondent to assist the Court and even objections filed on behalf of the Respondent do not reflect any valid objection against the transfer application except objection on merits of the case. The Applicants

admittedly resides in Khairpur, whereas, the earlier dispute between the Applicant and Respondent had been decided by the Family Court at Khairpur.

4. In view of such position, this Civil Transfer Application stands allowed. Family Suit No.07 of 2021 (**Muneer Ali v. Mst. Mumtaz and others**) pending before Family Judge at Pir Jo Goth stands transferred to the Family Court having jurisdiction at Khairpur. Office to make compliance by issuing copy of order to all concerned.

JUDGE

Ahmad