

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

**Civil Transfer App. No. S – 06 of 2022**

Date of hearing	Order with signature of Judge
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**Hearing of case**

1. For hearing of main case
2. For hearing of CMA No.241/2022 (Stay)

**27-05-2022**

None present for the Applicant; whereas, as per Process Server's report, notice stands duly served upon Respondents through Respondent No.1, but nobody has turned up.

This Transfer Application has been filed by the Applicant for transfer of F.C. Suit No.10 of 2020 pending before the Court of Senior Civil Judge, Pano Aqil to any other competent Court having jurisdiction.

I have perused the record as placed on behalf of the Applicant. It appears that prior to this Transfer Application, the Applicant had approached the concerned District Judge, Sukkur with a similar application, which has been dismissed vide order dated 14-01-2022. The operative part of the said order reads as under:

*“6. The applicant has submitted the transfer application mainly on the ground that he apprehends at the hands of defendants, therefore, the above case be transferred to any Court at Sukkur. The application is silent as to when and on which date, at what place the defendants have issued the threats to the applicant. Admittedly the above suit is pending before the Court of Senior Civil Judge, Pano Akil since 16.01.2020 and as per case diaries, applicant appeared regularly for about five hearings and he never moved any application to the trial Court with regard any sort of apprehension to his life for attending the Court of Senior Civil Judge, Pano Akil, therefore, the above application has been moved without any reasonable ground. Reliance in this regard is placed upon 2020 MLD 1071 (Re: Noor Muhammad Vs. The State) and 2012 PCr.LJ 1314 (Re: Mir Muhammad Anwar Vs. The State). Consequently, the above application being without merit is dismissed with no order as to costs.”*

On perusal of the aforesaid order, it appears that the Applicant has failed to make out any justifiable ground for transfer of the case as it is

only one ground i.e. apprehension at the hands of Defendants / Respondents regarding some alleged threat. However, the Applicant has not supported that as to whether any action was initiated against alleged threat which prevented him from attending the Court.

In view of hereinabove facts and circumstances of the case, no case for transfer is made out. The Transfer Application is misconceived, hence, is hereby **dismissed** with pending application.

Abdul Basit

J U D G E