

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD.  
C.T.A No.12 of 2023

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DATE

ORDER WITH SIGNATURE OF JUDGE

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For orders on office objection  
For order on CMA-1101/2023  
For order on CMA-1102/2023  
For hearing of main case.

**06-11-2023**

Mr. Wafa Nawaz Ali Shar, Advocate for applicants.

The applicants seek transfer of their case from the Court of learned Senior Civil Judge, Tando Adam to any other Court and in such regard had filed an application before the District Judge, Sanghar, which was dismissed vide order dated 18.04.2023.

The present proceedings assail the order and seek the requisite transfer; predicated on bald and *prima facie* unsubstantiated allegations of bias against the presiding officer.

Learned counsel did not controvert the narrative / observations recorded in the impugned order and remained unable to identify an infirmity therein. It could not be demonstrated that the earlier order could not have been rested on the rationale relied upon. The law<sup>1</sup> requires that where the fora of subordinate jurisdiction had exercised its discretion in one way and that discretion had been judicially exercised on sound principles the supervisory forum would not interfere with that discretion, unless same was contrary to law or usage having the force of law.

The allegations leveled are unsubstantiated and devoid of any corroboration from the record, hence, cannot be made the basis to entertain or sustain the allegation of bias against a learned Judge. The concept impartiality or bias of a judge has been discussed exhaustively by the honorable Supreme Court in its judgment in the case of *Government of NWFP & Another vs. Dr. Hussain Ahmed Haroon & Others*, reported as *2003 SCMR 104*, and the present matter does not merit favorable consideration upon the anvil of the said judgment.

In view of the foregoing, instant civil family transfer application is dismissed *in limine* along with pending applications.

Judge

Ahmed/Pa

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<sup>1</sup> Per *Faqir Muhammad Khokhar J. in Naheed Nusrat Hashmi vs. Secretary Education (Elementary) Punjab* reported as *PLD 2006 Supreme Court 1124*; *Naseer Ahmed Siddiqui vs. Aftab Alam* reported as *PLD 2013 Supreme Court 323*.