

**Order Sheet**  
**IN THE HIGH COURT OF SINDH,**  
**BENCH AT SUKKUR**

Civil Transfer Application No.S-08 of 2024

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 805/2024

Mr. Safdar Ali Bhatti, Advocate for applicant.

Mr. Ali Raza Baloch, Assistant A.G.

Mr. Abdul Rahim Jamro, Advocate files power on behalf of respondent No.2.

Date of Hearing & Decision:      **17-05-2024**

**ORDER**

**Muhammad Iqbal Kalhoro J.** I have heard the parties. This application has been filed for transfer of consolidated Civil Suits No.183 of 2017 and 185 of 2020, pending before Senior Civil Judge, Gambat to any other Court having jurisdiction on the ground that conduct of the Presiding Officer is not proper and prejudicial to applicant. Detailing the same, learned counsel has submitted that an application was filed by applicant u/O 6 Rule 17 CPC for amendment in the plaint, which was summarily dismissed by the Presiding Officer, but when defendants/respondents filed an application producing evidence through affidavit-in-evidence, it was allowed on the same day despite objections filed by the applicant.

2. His arguments have been rebutted by learned counsel for respondent No.2 stating that the grounds taken by the applicant are not sustainable qua transfer of the case. Further, the suits are pending for the last seven years and applicant on one pretext or the other is causing delay by moving various applications. Examination-in-chief of respondents has been recorded, but the applicant has failed to cross-examine them.

3. I have considered submissions of parties and perused material available on record. I do not find any shocking streak in the behavior of Presiding Officer to justify transfer of the consolidated suits. Against any order passed by him, the applicant has a right to file either appeal or revision before the concerned forum. So far as dismissal of application u/O 6 Rule 17 CPC is concerned, it has been informed that even appeal against that order has been dismissed. Although, learned counsel for applicant has emphasized prejudice by the Presiding Officer against the applicant, but nothing substantial is on record to hint that said P.O has acted so against the applicant.

4. Therefore, I do not find any merit in this application and accordingly **dismiss** it along with listed application.

**JUDGE**