

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.T.A No.29 of 2023

Order with signature of Judge(s)

Priority

1. For orders on office objection a/w reply at 'A'
2. For hearing of CMA No.3429/2023 (Stay Application)
3. For hearing of main case

27.02.2024

Mr. Muhammad Jibran Nasir, Advocate for the applicant
alongwith Mr. Rafiq Ahmed, Advocate
M/s. Muhammad Sadiq Khoso and Muhammad Asif Khoso,
Advocates for Respondent No.1

Zulfiqar Ahmad Khan, J:- Serious concerns have been raised by the counsel for the applicant against the conduct of Mr. Salamat Ali Soomro, Civil/Family Judge-XXIXth Karachi East whose orders dated 29.03.2023 as well as 01.03.2023 have been perused, which seemingly are not only passed by withholding the facts of the report furnished by NADRA where it surfaced that "Thumb Impression did not match" whereas the learned Judge want on to hold that "Since NADRA has submitted its report regarding verification of thumb impression available on Nikahnama....." which is opposed to NADRA's findings and at the same time application moved by the petitioner to bring Family Registration Certificate, Marriage Registration Certificate and Family Declaration Letter from the Health Department (Employer of the Respondent No.1) was dismissed in a cursory manner by the order of 01.03.2023. Such conduct of the said judicial officer per learned counsel not only warrants that the matter be transferred from him, as well as craves that MIT-II be directed to counsel Mr. Soomro, who appeared to have not applied a diligent mind to the extent that the facts were not correctly appreciated. Ordered accordingly. Let such a report be furnished to the Registrar of this Court by MIT-II within 15 days.

With regard to transfer of this application, the aforementioned reasons leave no doubt in my mind that the said judge is not suited to hear this matter any further, the transfer application is thus granted. The concerned District and Sessions Judge is directed to designate an appropriate judge, who should proceed with the matter in accordance with law from the point it is so transferred.

Also Secretary Health, Government of Sindh is directed to make inquiries against Respondent No.1 Sadiq Ali Khawaja S/o Sultan Ali CNIC No.41308-6902213-1 as to the FIA cases filed against him, his conduct in the job and submit a report through MIT-II of this Court within 15 days alongwith the original file of the said individual. MIT-II to place a reference in the matter before the Competent Authority under the Civil Service laws if an action is warranted. Let the needful be done without any loss of time.

The instant CTA is allowed in the above terms and let a copy of this order be forwarded to MIT-II and the Secretary Health, Government of Sindh by the office immediately.

JUDGE

B-K Soomro