

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CTA No. 18 of 2019

Date: Order with signature of Judge

1. For hearing of MA No.3588/19
2. For hearing of main case

16.7.2019

Mr. Mustafa Hussain for applicant
.X.X.X.X.

Ms. Kausar Amin files vakalatnama on behalf of respondent No.3
which is taken on record.

This transfer application was filed on the basis of order passed on
30.5.2019 whereby interim custody of the minor was given to the
applicant w.e.f. 07.6.2019 at 5:00 p.m. to 12.6.2019 at 5:00 p.m. It is
claimed that there is no prayer in the application yet the order was
passed.

I have heard the Counsel and have perused the record as well as the
order.

An order passed by the Guardian Judge, which is incorrect in the
wisdom of applicant's Counsel is no ground to claim transfer of Guardian &
Ward case from the concerned Court. In case, in the opinion of the
Counsel the order is incorrect or not in accordance with law, he may file
an appeal challenging the order, however on this solitary ground of
handing over the custody of minor to the respondent, being supported by
reasons cannot be a basis of transfer unless malafide is attributed and
proved. The transfer application as such, is misconceived and is
accordingly dismissed along with pending applications.

Judge