

IN THE HIGH COURT OF SINDH AT KARACHI

Civil Revision Application No.58 of 2025

Present

Mr. Justice Muhammad Jaffer Raza

Freny Fatakia Applicant

Versus

Asad Mulji Respondent

Mr. Asad Manzoor Halepota, Advocate for the Applicant.

Mr. Irfan Haroon, Advocate for Respondent.

Date of Hearing: 16.05.2025

Date of Order: 16.05.2025

ORDER

Instant Civil Revision Application has been filed impugning the order dated 27.02.2025, which was passed in Civil Transfer Application No.18/2025 under Section 24 CPC, whereby, transfer of Suit No.382/2017 was sought by the Respondent. The transfer was sought primarily on the ground that the counsel for the Respondent, due to his various medical ailments, is unable to proceed with the case as the trial Court is situated on the 3rd floor of the building. The said application was allowed vide impugned order and instant Civil Revision Application has impugned the said order dated 27.02.2025.

2. Learned counsel for the Applicant has stated that it is desirable for the same presiding officer to hear the case who had recorded the evidence and heard the parties at length. He has further stated that whilst he recognizes the medical ailments of the learned counsel for the Respondent, alternate arrangements i.e. video link can be proposed to facilitate the learned counsel. Lastly, learned counsel has relied upon in the case of **Ghulam Ali vs. Dost Muhammad**¹ and stated that

¹ 2018 CLC 1578

no exceptional circumstances have been made out for the grant of the said transfer.

3. Conversely, learned counsel for the Respondent has described his medical ailments in great detail and his inability to access the Court due to the same. He has taken me through various medical reports, which according to him, exhibit his inability to proceed with the trial. Further he has stated that even if it is expedient instant transfer application ought to be allowed in the interest of justice as he will be able to proceed with the matter more expeditiously and without any undue hardship.

4. I have heard both the learned counsels and I have also perused the Impugned order. It is apparent and not disputed between the parties that the trial Court is situated at the 3rd floor. I am further inclined towards the submission made by the Respondent that he personally finds it cumbersome to approach the learned Trial Court. Learned counsel has also stated that the lift in the adjacent building is barely functional making it almost impossible for him to access the trial court. I cannot imagine a better ground for transfer of the case. I see no illegality or infirmity with order dated 27.02.2025. Accordingly, instant Civil Revision Application is dismissed with no orders as to cost.

J U D G E

Nadeem