

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Civil Transfer Application No.34 of 2026

Date	Order with signature(s) of Judge(s)
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Fresh Case:

1. For orders on CMA No.3289/2026 (If granted)
2. For orders on CMA No.3290/2026 (Exemption)
3. For hearing of main case.
4. For orders on CMA No.3291/2026 (Stay)

14.05.2026

Mrs. Arjumand Khan, Advocate for the applicant.

1. Urgency application is granted.

- 2-4. The applicant, who is a judgment-debtor before the Executing Court, i.e. the Court of XXth Family Judge, Karachi-South, by filing the instant application under Section 25-A of the West Pakistan Family Courts (Sindh Amendment) Act, 1997, seeks transfer of Family Suit No.544 of 2020 along with its Execution Application No.09 of 2024 to another Family Court.

Learned counsel for the applicant contends that the Executing Court, without properly considering objections filed by the applicant regarding the decretal amount, valuation of gold ornaments and maintainability of the execution proceedings, passed various orders directing the applicant to deposit the decretal amount and also directed his personal appearance; hence, the applicant apprehends that the Executing Court would not decide the matter fairly and impartially. She, however, admits that the alleged orders have not been challenged by the applicant before any competent forum.

Heard and record perused.

It may be observed here that transfer of a case from one Court to another cannot be claimed by the applicant(s) as a matter of right, nor can

it be granted as a matter of routine, and the Court before whom the application for transfer is moved has to see whether the mistrust shown by the applicant is genuine or otherwise. Besides, while exercising jurisdiction to transfer cases from Courts, a balance has to be struck in order to ensure that the cases are not transferred mainly on the basis of unfounded and conjectural apprehensions. It may also be observed here that the Presiding Officers of the Courts have to be given full protection against frivolous allegations in view of the honourous, noble and dignified duties they are performing and, while deciding the cases, they should not be allowed to be harassed unnecessarily by litigants on the basis of groundless and baseless apprehensions.

Record reveals that the applicant filed G&W Application No.1954 of 2019 against the respondents seeking permanent custody of the minor (respondent No.2 herein), whereas the respondents instituted Family Suit No.544 of 2020 for maintenance, recovery of dowry articles, dower amount etc. Both the parties contested their respective matters before the Trial Court, which vide consolidated judgment dated 13.01.2024 decided the same. Thereafter, the respondents filed Execution Application No.09 of 2024 arising out of Family Suit No.544 of 2020, to which the present applicant also filed objections; however, the Execution Application was allowed vide order dated 27.11.2024. Since then, the matter has been proceeding before the Executing Court on a number of occasions, apparently for satisfaction of the decree.

As regards the orders passed in favour of the respondents in the Execution Application, suffice it to say that orders allegedly wrong in law or improperly passed against the party seeking transfer of the case cannot be accepted as a valid basis for transfer of cases unless the circumstances attending the passing of such orders are capable of raising a reasonable apprehension in the mind of a party that justice would not be done to him. Something more than a mere wrong order is required to justify such transfer so as to create a reasonable apprehension in the mind of the party concerned of not getting a fair and impartial trial. In the instant case, admittedly the applicant has not challenged the interlocutory/miscellaneous

orders passed by the Executing Court, meaning thereby that he has confessed such orders.

For the foregoing facts and reasons, no reasonable apprehension exists in the instant case that the Executing Court would not act fairly and impartially; therefore, this transfer application, being devoid of any merit, is dismissed in limine along with the listed applications, with no order as to costs.

Tahseen/PS

CHIEF JUSTICE