

Date _____ Order with Signature(s) of Judge(s) _____

For hearing of main case.

07.09.2026

Mr. Ghulam Rasool Korai, Advocate for applicants.
Mr. Aman Aftab, Advocate for respondent No.1.

Through instant Civil Transfer Application, applicants/respondents seek transfer of Civil Misc. Appeal No.08/2026 (Re: M/s. Al Noor Fertilizer Industries Limited Vs. Federation of Pakistan & others) from the Court of IInd Additional District Judge, Thatta (**"Appellate Court"**) to any other competent Court of the same District.

Learned counsel for the applicants contends that the respondent No.1 filed FC Suit No.105/2026 before the Senior Civil Judge, Thatta (**“Trial Court”**) for declaration, recovery of damages, mandatory and permanent injunction, wherein the Trial Court dismissed their application filed under Order XXXIX, Rules 1&2, CPC vide order dated 27.07.2026; against that the respondent No.1 filed the aforementioned Civil Misc. Appeal on 31.07.2026, which was marked by the District Judge, Thatta to Appellate Court for disposal and the Appellate Court on 01.08.2026 ordered for issuance of summons to applicants/respondents for 03.08.2026; that upon receiving notice, an employee of the respondents made his appearance before the Appellate Court and he requested for supply of the copies of the appeal and to grant time to engage a counsel, on that the Appellate Court adjourned the matter for the next day i.e. 04.08.2026, on which date the applicants’ counsel appeared and expressed his view before the Appellate Court regarding issuance of power of attorney by the head office at Lahore and engagement letter of the counsel; he requested for appropriate time for filing objections as well as Vakalatnama, which was declined by the Appellate Court by expressing his view “why not stay granted” however, the Appellate Court granted time by adjourning the matter for the next day i.e. 05.08.2026 for filing objection and arguments; that the very conduct of the Presiding

Officer of the Appellate Court has created mistrust and impression in the mind of applicants that they will not have fair and impartial trial.

On the other hand, learned counsel for respondent No.1 maintains that the Appellate Court granted early date considering the urgency in the matter, otherwise he has no objection if the Civil Misc. Appeal is withdrawn from the board of Appellate Court and transferred to another Additional District Judge, Thatta.

Heard and record perused.

In the present case, the applicants have expressed apprehension arisen primarily from the manner in which the matter proceeded at the initial stage before the Appellate Court, particularly with regard to the request for time to complete the necessary formalities and file objections. Although the early hearing of the appeal may well have been motivated by the urgency of the subject matter, and no definitive finding of actual bias or prejudice against the Presiding Officer is warranted on the material available, the fact remains that the applicants have expressed a specific apprehension regarding the impartiality of the proceedings. Significantly, learned counsel for respondent No.1 has stated that he has no objection to transfer of the appeal to another competent Court of the same District.

Accordingly, the instant Civil Transfer Application is allowed. Consequently, the subject matter is withdrawn from the board of the Appellate Court, with a direction to the learned District Judge, Thatta, either to hear the matter and decide himself or assign the same to any other Court of Additional District Judge in the said District for disposal in accordance with law.

CHIEF JUSTICE