

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
D.I.KHAN BENCH
(Judicial Department)

Transfer Application No.01-D/2025 with
C.M.Nos.2, 5 and 6-D/2025.

Nadeem Sohail

Versus

Mst. Naghma Tabassum and another

JUDGMENT

For petitioner: Muhammad Idrees Khan,
Advocate.

For respondents: Mr. Tauqeer Hassan,
Advocate for respondent No.1.

Date of hearing: **18.11.2025.**

INAM ULLAH KHAN, J.- The petitioner,
Nadeem Sohail, has filed the instant application
under Section 24 of the Code of Civil Procedure,
1908 read with Section 25-A of the West Pakistan
Family Courts Act, 1964, seeking transfer of
Family Suit No.23/FC from the Family Court,
Tank to any other Court of competent jurisdiction
at District Dera Ismail Khan.

2. Arguments of learned counsel for the parties
heard and record perused.

3. It is an admitted position that the petitioner
had earlier filed Transfer Application No.03-D of
2024 before this Court, wherein the same prayer

for transfer of the family suit from Tank was pressed on similar allegations of threats and hostility between the parties. After hearing both sides in detail and considering the rival allegations of danger to life, this Court, vide judgment dated 27.06.2024, declined to transfer the suit but directed both the learned District & Sessions Judges, Tank and D.I.Khan, to ensure virtual proceedings in order to eliminate any possibility of confrontation and to secure participation of the petitioner from D.I.Khan. That order attained finality and is still in field.

4. The petitioner has now again approached this Court on the grounds that he was allegedly threatened on 03.06.2024 within the premises of District Courts, Tank; that the virtual arrangement ordered by this Court is not conducive for effective cross-examination; that access to order sheets and case record becomes difficult remotely; and that overall procedural fairness is compromised if proceedings are conducted virtually.

5. The foremost question is whether the petitioner has brought forth any new, exceptional, or supervening circumstances warranting reconsideration of an issue already adjudicated by

this Court. The record reveals that the alleged threat dated 03.06.2024 was already a part of the earlier transfer application and was duly considered while passing the judgment dated 27.06.2024. The allegation, therefore, does not constitute a fresh cause of action. The attempt to re-agitate the same apprehensions in a new application is not permissible when this Court has already structured a workable and protective mechanism specifically to address those concerns.

6. As regards the petitioner's contention that virtual proceedings undermine effective cross-examination or procedural fairness, such objections are misconceived. Virtual hearings are now a legally recognized mode of proceeding before Courts, particularly where security, safety, or logistic constraints warrant such an arrangement. Effective cross-examination being a "double-edged weapon" is not the exclusive prerogative of physical presence; the Family Court retains full authority to ensure transparency, audio-visual clarity, and procedural safeguards during virtual testimony. The petitioner has failed to demonstrate even a single instance where he was prejudiced, or where the Family Court was unable to record evidence properly. The plea that order sheets or

case updates cannot be obtained remotely also bears no substance. Certified copies can be applied for and delivered in accordance with CPC and the rules framed thereunder. Moreover, virtual participation does not prevent the petitioner or his counsel from physically inspecting the record when required. Counsel for petitioner is admittedly practicing in the local area and has not pointed to any refusal by the Family Court to provide record or information.

7. It is also a settled principle that the convenience of the female litigant is paramount in family matters. Respondent No.1 is permanently residing in District Tank. Requiring her to travel to D.I. Khan or any other district would cause undue hardship and defeat the very object of the Family Courts Act, 1964. Reliance in this respect is placed on the case of *Shahida Parveen v. Samiullah (1999 CLC 1863)*, wherein it has been held:

"In law, it is the residence of the woman which determines the territorial jurisdiction of a Family Court to adjudicate upon the subjects, mentioned in the schedule to the Family Courts Act."

8. The earlier judgment had already considered this factor in depth, and no material has been brought on record to justify a different view. Furthermore, Section 25-A of the Act contemplates

transfer of a family suit only where a real, demonstrable, and legally cognizable likelihood of injustice exists. Mere subjective apprehensions, repeated allegations, or dissatisfaction with the mode of hearing do not attract the jurisdiction for transfer. The petitioner has neither produced any new evidence nor pointed out any bias, partiality, or inability of the learned Family Judge, Tank, to adjudicate the matter fairly. In presence of the earlier operative directions ensuring virtual participation, the prayer for transfer is nothing but an attempt to circumvent the previous judgment and delay the proceedings of the Family Court. Allowing such successive and repetitive applications would encourage forum-shopping and obstruct the expeditious conclusion of family litigation.

9. Consequently, no valid ground for transfer of Family Suit No.23/FC from the Family Court, Tank, to any other Court is made out. The application is without merit and is liable to be dismissed. Resultantly, the instant Transfer Application stands dismissed. The Family Court, Tank, shall continue the proceedings strictly in accordance with law and in terms of this Court's

judgment, dated 27.06.2024 regarding virtual participation of the petitioner.

Announced.
Dt:18.11.2025.
Imran/*

--Sd/-
JUDGE

(S.B)
Hon'ble Mr. Justice Inam Ullah Khan