

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

T.A.No.03 of 2025

Mst. Mehwish
Versus
Mst. Rashida Shaheen Bibi, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
------------------------------	----------------------------	---

19.06.2025	Mr. Nadeem Mukhtar Ch., Advocate for the applicant. Mr. Arshid Mahmood Kiani Deputy Attorney General on court’s call.
------------	--

Through this transfer application under section 24 CPC read with Section 151 CPC, the applicant seeks transfer of civil suit titled “*Mst. Mehwish and 2 others versus Mst. Rashida Shaheen*” from the Court of Additional District & Sessions Judge, Court-VI, East-Islamabad to any other Court of competent jurisdiction.

2. Learned counsel for the petitioner argues that due to the harsh attitude of learned Presiding Officer the petitioner has strongly apprehension that justice will not be served and, therefore, seeks transfer of the above titled civil suit to any other court of competent jurisdiction.

3. Learned Law Officer, at the outset, has raised no objection on acceptance of instant transfer application.

4. Transfer of a case from a competent jurisdiction is justified only if there is an apprehension in the mind of the party that the Court would not act impartially in the matter. It is of paramount importance that the parties arraigned before the Courts, should have confidence in impartiality. Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973, provides right to fair trial to every citizen and this Court being custodian of guaranteed fundamental

rights, can pass such orders for the administration of justice. It is an age-old fundamental principle of law that justice should not only be done, but manifestly and undoubtedly should be seen to have been done. To achieve such objective, it is to be seen that the conduct of proceedings by a Judge should not generate any reasonable apprehension in the mind of a person about the Judge or the Presiding that he is biased or prejudiced. Reference in this regard can be made to the case of Government of N.W.F.P. & another v. Dr. Hussain Ahmed Haroon & others, (2003 SCMR 104).

5. For the foregoing reasons, instant petition is **allowed** and the learned District & Sessions Judge, (East) Islamabad is directed to withdraw the aforesaid civil suit from the concerned court and the same be entrusted to any other Court of competent jurisdiction.

(ACTING CHIEF JUSTICE)

ARSHAH"