

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

C.R. No.239/2019
Zahid Waheed Butt
versus
Mst. Rehana Rafique, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	20.06.2019	Mr. Shakil-ur-Rehman, Advocate for petitioner.

The petitioner through the instant civil revision impugns order dated 28.05.2019 of the learned District Judge (West), Islamabad, whereby rent appeals titled *Zahid Waheed Butt vs. Mst. Rehana Rafique* and *Osama Bin Zahid vs. Mst. Rehana Rafique* have been withdrawn from the Court of Mr. Muhammad Adnan, learned Additional District Judge (West), Islamabad and entrusted to learned District Judge (West), Islamabad.

2. Learned counsel for petitioner, inter alia, contends that the learned District Judge neither considered the request of appellant nor any opportunity of hearing has been granted to the petitioner; that the appeal against eviction order was pending before the court of Raja Asif Mehmood, learned Additional District Judge (West), Islamabad and as he was transferred from the West Division to East Division, thereafter the matters were fixed before the court of Mr. Muhammad Adnan, learned Additional District Judge (West), Islamabad. The appeals have been argued at length and arguments were already completed when the appeals were transferred to the court of learned District Judge, Islamabad, which will cause prejudice to the petitioner.

3. Arguments heard, record perused.

4. Perusal of record reveals that the petitioner has filed an appeal against the order of eviction, which was fixed before Raja Asif Mehmood, learned Additional District Judge (West), Islamabad and due to transfer of learned Presiding Officer from West Division to East Division, the appeals have been fixed before Mr. Muhammad Adnan, learned Additional District Judge (West), Islamabad, but the matters have been transferred to Mr. Nasir Javed Rana, learned Additional District Judge (West), Islamabad. The petitioner filed an application for appropriate order for re-transfer of cases before the previous learned Presiding Officer, who have partly heard the appeals, however the learned District Judge transferred the appeals and entrusted the same to himself vide the impugned order.

5. Perusal of impugned order reveals that the transfer order of appeals dated 28.05.2019 was passed with the consent of the parties and as such, the petitioner has failed to justify any valid reason as to how a consented order could be challenged through the instant civil revision, and as a matter of fact, no illegality has been observed in the proceedings.

6. In view of above discussion, the instant civil revision is misconceived and the same is hereby **DISMISSED** *in limine*.

(MOHSIN AKHTAR KAYANI)
JUDGE

Khalid Z.