

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Civil Revision No. 478/2019.

Adnan Asghar

Versus

Noureen Afzal.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	06.12.2019.	Mr. M. Kowkab Iqbal, Advocate for petitioner.

Through this Civil Revision, the petitioner has assailed the order dated 16.11.2019, passed by learned Acting District Judge (East), Islamabad, whereby transfer application U/S 24 CPC filed by the petitioner was dismissed.

2. Learned counsel for the petitioner *inter-alia* contends that petitioner has filed two separate applications for transfer of two separate execution petitions titled Noreen Afzal Vs. Adnan Asghar from the Court of Mrs. Riffat Mahmmod Khan, learned Judge Family Court (East), Islamabad to any other court on the ground that due to conduct & demeanor demonstrated by learned Presiding Officer, petitioner has lost confidence upon the said court; that petitioner is judgment-debtor in the execution proceedings, whereby he was directed to pay the balance decretal amount, failing which, he shall be sent to civil prison through non-bailable warrants; that learned Acting District Judge (East), Islamabad while hearing the transfer

applications has not considered the concerns of the petitioner, whereby petitioner has alleged that learned Presiding Officer has strong bias against him.

3. Arguments heard, record perused.

4. Perusal of record reveals that petitioner is judgment debtor in terms of judgment & decree dated 30.07.2016, passed by learned Judge Family Court, whereby petitioner is under obligation to satisfy the decree which includes the dowry articles or in alternate pay cash amounting to Rs.2,00,000/-, however, as per the petitioner's claims before this Court, the decree has not yet been satisfied and he is still under obligation to pay the decretal amount in the Executing court.

5. Learned counsel for the petitioner has been confronted regarding the conduct and demeanor of the learned Judge Family Court who is dealing with execution application whereby it has been contended by the learned counsel that conduct of the learned Judge is not due to any personal bias against the petitioner rather she was compelling the petitioner for satisfaction of the decree, passed by the Judge Family Court. This aspect of the case clearly spells out that there is no personal vendetta or biasness of the learned Executing Judge against the petitioner rather she is performing her duty in accordance with law while dealing with the execution of decree and as such allegation and apprehension raised by the petitioner are not justified

on record. All these questions have already been heard and considered by learned Acting District Judge (East), Islamabad in the impugned order dated 16.11.2019, which has been passed within four corners of law, therefore, instant civil revision petition is not maintainable and the same is hereby dismissed in limine. However, the petitioner may approach the learned Executing Court in accordance with order dated 16.11.2019.

(MOHSIN AKHTAR KAYANI)
JUDGE

Zahid