

*Order Sheet***IN THE HIGH COURT OF SINDH, KARACHI**

Civil Revision Application No.33 of 2022

Date	Order with signature of Judge
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Hearing / Priority

1. For hearing of CMA 1392/2022
2. For hearing of main case.

06.08.2025

Mr. Muhammad Ahmed Khan, Advocate for the Applicant.

Mr. Muhammad Mustafa, Advocate for Respondent No.1.

This Civil Revision Application under Section 115 of the Civil Procedure Code has been preferred against the judgment dated 21.01.2022, passed by learned IV Additional District and Sessions Judge, Karachi [West] and the judgment dated 10.11.2020, passed by XIV Senior Civil Judge, Karachi [West] whereby civil suit No.1148/2017 and the civil appeal No.403/2020 were dismissed respectively.

From perusal of the record, it appears that although the applicant did not implead the builder in whose Project the property, the subject matter of the proceedings, is located either in the suit before the trial court or in the appeal before the appellate court, however, through his application [CMA No. 1533/2022] he got impleaded the said builder in the present revision application. The builder has submitted his reply wherein he has admitted, in paragraph 2 of his objections, that the said property stands in the name of the applicant as owner, as per the company's record. Since the evidence of the builder has not been recorded as such his statement cannot be taken into account at this stage. However, after having heard the learned counsel for the parties at some length, by consent, this civil revision application is being disposed of in the following terms:

- i. The judgments impugned in the instant proceedings are set aside and the case is remanded back to the trial court. The Applicant is at liberty to file an amended plaint by impleading the builder whereas the respondent would also be entitled to file the written statement upon the amended plaint being filed.
- ii. The trial court after re-framing the issues, keeping in view the amended pleadings of the respective parties shall decide the matter afresh after recording the evidence on merits strictly in accordance with the law. The matter shall preferably be decided within a period of six months.

The instant civil revision application is disposed of along with the listed application.

JUDGE