

ORDER SHEET

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA**

***Constitutional Petition No. S-102 of 2026
(Tarique Muneer vs Allah Dino and others)***

Date	Order with signature of the Judge
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1. For orders on office objection.
2. For orders on M.A No. 239/2026. (Stay Application).
3. For hearing of main case.

05-10-2026.

Mr. Rashid Raees, Advocate for the petitioner

Mr. Abdul Waris Bhutto, Assistant Advocate General,
along with A.S.I. Aijaz Ali Thebo, In-charge S.H.O P.S.
New Foujdari, Shikarpur.

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Mr. Abdul Ahad Buriro, learned counsel, filed Vakalatnama on behalf of respondent No.1. In-charge, Police Station New Foujdari, Shikarpur (respondent No.5), has filed his statement, which is taken on record.

The petitioner moved an application under Order I, Rule 10, C.P.C., seeking his impleadment as a party, which was dismissed by the learned trial Court. The said order was subsequently assailed before the learned Revisional Court, which also upheld the order passed by the learned trial Court. Through the instant petition, the petitioner has challenged the validity of both the aforesaid orders.

Learned counsel for the petitioner submits that the petitioner is the title holder/owner of the property in question and, having invoked the jurisdiction of the learned trial Court, was entitled to be impleaded as a party. He contends that during the pendency of the proceedings, respondent No.1, mala fide, failed to implead the petitioner despite the petitioner possessing valid title documents. He further

submits that this aspect was neither properly considered by the learned trial Court nor by the learned Revisional Court. He, therefore, seeks setting aside of the impugned orders.

Conversely, learned counsel for respondent No.1 submits that several applications under Order I, Rule 10, C.P.C. have been filed, claiming himself to be owner of the property in question. According to him, the petitioner is not the owner thereof, as he had already remained unsuccessful before the learned Civil Court as well as the learned Appellate Court. He further submits that the petitioner's claim is also pending before this Court in Civil Revision Nos.54 and 55 of 2015 and, therefore, his alleged title and ownership remain disputed.

After hearing the submissions. Learned counsel for respondent No.1 sought time on the ground that he had filed his Vakalatnama today. After arguments, his request for adjournment is declined.

The controversy raised by the parties involves questions relating to the petitioner's alleged legal character, title and entitlement in respect of the property in question. Such questions, particularly where the petitioner claims a legal right or interest in the subject matter of the proceedings, cannot be finally determined merely on the basis of assertions at the stage of an application under Order I, Rule 10, C.P.C. If a person claims a legal character or an interest in the subject matter and seeks his impleadment, while the contesting party asserts that such person has no *locus standi*, the matter requires proper consideration in accordance with law and, where necessary, adjudication upon the relevant evidence. Reliance is placed upon the case of **MARI GAS COMPANY LTD. Through Arshad Iqbal versus BYCO PETROLEUM PAKISTAN LTD (PLD 2013 Sindh 314)**.

In the present case, the learned trial Court, instead of examining the petitioner's claim in its proper legal perspective, declined the application in a manner which does not appear to be supported by adequate judicial reasoning. The learned Revisional Court, rather than independently examining the controversy, has also maintained the order of the learned trial Court without addressing the material aspects raised by the petitioner.

Consequently, both the impugned orders passed by the learned trial Court vide order dated 24.11.2025 as well as the learned Revisional Court vide order dated 25.2.2026, cannot be sustained and are hereby set aside. The instant Constitutional Petition is accordingly allowed. The learned trial Court is directed to implead the petitioner as a party and thereafter proceed with the matter in accordance with law.

JUDGE