

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

1. R.A. No.68 of 2014.

2. R.A. No.69 of 2014.

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DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on CMA-1803 of 2016.
2. For orders on office objection.
3. For katcha peshi.
4. For orders on CMA-439 of 2016.
5. For hearing of CMA-510 of 2015.
6. For hearing of CMA-1320 of 2017.

24.11.2017.

Mir Karam Ali (Legal heir No.3 of the applicant) present in person.

Mr. Allah Bachayo Soomro, Additional Advocate General Sindh.

Mr. Arbab Ali Hakro, Advocate for respondents No.6 to 11.

Mr. Ghulam Sarwar Baloch, Advocate for the interveners.

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1. Instant application under Order I Rule 10 C.P.C. is filed by the proposed applicants praying for impleading them as party to these proceedings on account of having interest in the subject property through inheritance. The application is opposed by the learned counsel for the respondents No.6 to 11 on the ground that the same is based upon malafide and is motivated as on account of loosing of the proceedings by the appellant being the supporter to frustrate the present proceedings. It is further contended on part of the learned counsel for the respondents No.6 to 11 that the predecessor of the present applicants have failed to stand on their rights and as such the present dispute between the other legal heirs is not open for their intervention.

I have heard learned counsels as well as the party / applicant present and considering the element of an inheritance share open to and availability to a legal heir of a grantee as the subsequent rights have transpired by way of Revenue Record entries which are otherwise open to correction. It was specifically inquired as to any conclusive judicial proceedings limiting legal entitlement, to which the answer was given in negative. It has been argued before me that the parentage is not disputed and only entitlement is

questioned. It has also been observed that in the dispute claim is present for the whole of the subject property not restricting to the respective share i.e. the present on the predecessor in interest only, the said limited distribution is bound to effect the rights of all the legal heirs, as the overall effect on the legal entitlement on the present parties by law cannot change. In the present circumstances, this application stands allowed. Let the said applicants / interveners be impleaded as respondents to these proceedings and amended title to this effect be filed by any of the party before next date of hearing.

2 to 6. Adjourned to 07.12.2017.

JUDGE

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