

*ORDER SHEET*

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD.

**C.P. No. D — 191 of 2019.**

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DATE

ORDER WITH SIGNATURE OF JUDGE

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**26.02.2019.**

FOR ORDERS ON OFFICE OBJECTIONS.  
FOR ORDERS ON M.A. 993/2019.  
FOR ORDERS ON M.A. 994/2019.  
FOR HEARING OF MAIN CASE.

Mr. Ahmed Nawaz Chang, Advocate for the petitioner.

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By means of this petition, the petitioner has impugned two orders, one passed by Senior Civil Judge Badin in F.C.Suit No.175 of 2017 on the application under order 1 rule 10 CPC filed by respondent No.1 / Plaintiff praying to join the petitioner as defendant which was allowed on 13.11.2018; and the other order passed by learned Revisional Court on 07.01.2019 whereby the same order was maintained and revision application filed by the petitioner was dismissed.

Learned counsel for the petitioner has argued that petitioner is not necessary party and the land purchased by him is not the suit land; that both the learned courts below while passing impugned orders have not appreciated this fact which has resulted into miscarriage of justice. He has relied upon the case law reported in 2012 CLC 1477 and 2015 CLC 1061.

With the assistance of learned counsel we have perused the material available on record. Both the impugned orders show that the petitioner during pendency of the aforesaid suit has purchased 1-00 acre land out of Survey No.348 situated in Deh Karabhari which has been mentioned in the plaint as suit land. He therefore appears to be necessary party to resolve the controversy and without joining him the effective decree would not be passed. The reasons given

by both the courts below in allowing applications under order 1 rule 10 CPC are convincing and in accordance with law. This being the position we find this petition meritless and dismiss it accordingly leaving the petitioner to seek his remedy, if any, before the trial Court as per law.

JUDGE

JUDGE

A.