

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP.No.S-1230 of 2019.

Date	Order with signature of Judge
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For directions.

For orders as to maintainability.

09th March 2020

Mr. Faiz Muhammad Awan, advocate for the petitioner.
Shaikh Adnan Usman, advocate for respondent

Petitioner/intervener has challenged the order dated 12.10.2019 whereby application under Order 1 rule 10 CPC preferred in the Court of III-Additional District Judge, Karachi South in FRA No. 411 of 2017 was dismissed on account of non-prosecution. Hence, this petition.

Instant petition was earlier dismissed in non-prosecution but same was restored for hearing on merits; petitioner (intervener) prayed in his application before the appellate court that Muhammad Mudasir may be joined as party, however, petitioner has failed to show any nexus of the case with Muddasir. He is also unable to demonstrate that how an intervener can pray for joining of a stranger as a party when he himself is not a proper and necessary party. It is noted that in rent matter litigation is between some other parties and to join any person as a party one has to establish that he is a necessary or proper party, which aspect is lacking in the present petition. Accordingly, instant petition is dismissed alongwith pending application, if any.

J U D G E