

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1770 of 2022

Date	Order with Signature of the Judge
1.For orders on CMA No.1188/2023.	
2.For orders on CMA No.1189/2023.	
3.For orders on CMA No.1190/2023.	

26th January 2023.

Mr. Altaf Ahmed, Advocate for plaintiff.

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1. Urgency granted.

2&3. This is a suit for declaration, damages, accounts and injunction. Plaintiff disputes about the directorship of defendant No.10 that is Ummat Publications (Pvt) Limited and also disputes the shareholding which is being adjudicated in the instant proceedings. Defendant No.11 is also a public limited company that is Al-Hamza Printers (Pvt.) Limited and plaintiff seeks an order that they are entitled for appropriate amount which includes maintenance out of rental proceeds generated from one of the property the subject matter of the suit.

By virtue of an application under Order 1 Rule 10 CPC that is CMA No. 1190/2023 the plaintiff seeks inclusion of the Manager Habib Bank Limited JPMC Branch Karachi and Habib Bank Limited as necessary and property party.

I have heard learned counsel and perused the record available on record.

The application under Order I Rule 10 CPC identified as CMA No.1190/2023 is to implead the Manager Habib Bank Limited and the Habib Bank Limited itself. It is mentioned in the application that the plaintiff wrote many letters to the officials of the Habib Bank Limited for highlighting all fraudulent activities of the officials of the Bank, however, all in vain.

The scope of this suit is limited to the extent of disputes amongst the shareholders/directors of the companies. The scope of this suit is thus limited and summarized in the prayer clause of the plaint and in no way extends to a dispute mentioned in the affidavit in support of the application. Such facts are extraneous as far as the subject of this suit is concerned and a claim to such an extent would change the complexion

of this suit. The issues in this suit could well be decided in presence of the parties already arrayed as plaintiff and defendants and hence considering the scope of application under Order I Rule 10(2) CPC, for decision of a dispute in this suit, the presence of Habib Bank Limited is neither necessary nor proper. The application bearing CMA No.1190/2023 being misconceived is dismissed along with an application under Order VI Rule 17 CPC bearing CMA No.1189/2023, as the purported amendment would divert the primary issues arising out of the suit to a dispute with the Bank. They may, however, pursue independent litigation in case it is so desired. Both the applications are dismissed.

J U D G E

Avaz Gul