

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

**C.P No. D-4809 of 2022**

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DATE: ORDER WITH SIGNATURE(S) OF JUDGE(S).

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Fresh case

1. For order on Misc. No.20525/2022
2. For order on Misc. No.20526/2022
3. For order on Misc. No.20527/2022
4. For hearing of main case.

**23.08.2022**

Mr. Badar Alam, Advocate for the Petitioner.

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**YOUSUF ALI SAYEED, J.** The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution so as to impugn the Order made by the Additional District Judge-VI/Model Civil Appellate Court-Ext., Karachi (Central) on 25.04.2022, dismissing Civil Revision No.81 of 2021 that had been filed by the Petitioner against the earlier dismissal of her Application under Order I Rule 10 CPC in Suit No.1169 of 2018 before the 2<sup>nd</sup> Senior Civil Judge Karachi (Central), vide Order dated 06.07.2021.

2. A perusal of the Plaint in the aforementioned Suit reflects that same had been filed by the Respondent No.1, professing to be the daughter and legal heir of one Wasi Ahmed Siddiqui, who was said to be the owner of property No. 220, G/1, Commercial Area, Liaquatabad, Karachi, with the Respondent No.1 essentially seeking a declaration of ownership on that score as against the Respondents Nos.2 and 3, who were arrayed as defendants.

3. The underlying application filed in that proceeding by the Petitioner reflects that she sought to be added as a defendant whilst claiming to be in possession of a half portion of the premises as a tenant of one Shamim Ahmed Siddiqui, who is said to have expired on 08.03.2009, after which the Petitioner claimed to have been paying rent to his son on a quarterly basis. It was averred that the Assistant Director Land (Revenue), Lease Liaquatabad, Karachi, had addressed a letter dated 04.11.2016 to the Petitioner's counsel, from which it came to light that as per the record of the premises, the same had been allotted in favour of the Respondent No.3, thus neither Shamim Ahmed Siddiqui nor his son had any title over the shop, hence were not competent to receive the rent in that regard. The main grounds on which the Petitioner sought to be added as a defendant in the stated backdrop was that the Government / KMC, being the lessor and owner of the premises, ought to put the same to public auction instead of leasing out the same to the Plaintiff on the basis of her false claim, and as she (i.e. "the Petitioner") was interested in purchasing the property through that auction process, hence she would be seriously affected by such Judgment and Decree as may come to be passed in the matter.

4. Having considered the application on its terms, we see no merit in the same as no valid case thereby stands made out for impleadment of the Petitioner. The orders of the fora below appear to be well reasoned, and the operative paragraph of the Order of revisional Court visibly considers the salient aspects of the matter, reading as under:-

"6. After hearing the arguments of learned counsels for both the sides I have gone through the case file. Main contention of the learned counsel for applicant is that the applicant intends to join subject proceedings to protect right and interest of the actual owner of the subject property. There is no cavil to the proposition that addition/deletion of parties to suit is subjected to the necessity for the just and fair decision of the lis. Wish / intend of a stranger to

purchase subject property has no concern with the merits of the subject matter. Since the basic ingredients of order I rule 10(2) of the code is missing, I do not find any merits in the case of applicant. After through the impugned order I am of the considered view that impugned order does not suffer from any illegality or material irregularity requiring interference by this court. Having found no merits instant revision application is hereby dismissed with no order as to costs of the proceedings.”

5. Under the given circumstances, we see no perversity or illegality marking the proceedings and orders of the fora below, hence no case for interference stands made out. Therefore, while granting the application for urgency, we hereby dismiss the Petition *in limine*, along with the other pending miscellaneous applications.

JUDGE

CHIEF JUSTICE