

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Civil Rev. Appln. No. S-112 of 2022

- 1.For orders on Office/obj.(i) at Flag.A.
- 2.For orders on CMA 986/2022.
- 3.For orders on CMA 987/2022.
- 4.For Hearing of main case.

30.10.2023.

Applicant, Muhammad Usama, in person.

ORDER

YOUSUF ALI SAYEED, J- Through this Application under Section 115 CPC, the Applicant has impugned the Order made by the learned Additional District Judge (MCACs) Kandiaro on 18.02.2020 in Civil Appeal No.48 of 2019, dismissing his Application under Order 1, Rule 10 CPC to be added as party to the dispute.

2. A perusal of the impugned Order reflects that the Applicant was found by the Appellate Court to be neither a necessary nor proper party for purpose of the proceeding in as much as he had no title to or interest in the land that was the subject of the underlying Suit.
3. Indeed, it is evident from a reading of the very Application and its supporting Affidavit that the case advanced by the Applicant turned on his assertion that the parties were continuing to lift soil from the surface of the land in question without permission of the competent authority, notwithstanding the cancellation of entries.

4. Today, on query posed to the Applicant as to how he qualified to be joined as a party to the Appeal when he had not been a party to the Suit and was found to have no right or interest in the property that was the subject thereof, he merely stated that he had come forward in the public interest as the actions of the parties were causing a loss to the public exchequer.

5. Needless to say, that assertion does not of itself serve to clothe the Applicant with the mantle of a necessary or proper party to a civil dispute, and it is manifest that his Application under Order 1, Rule 10 CPC was correctly dismissed under the given circumstances.

6. The captioned Revision Application is thus found misconceived and stands dismissed accordingly.

Akber

JUDGE