

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**High Court Appeal No.455 of 2023**

Waseem Ahmed  
Versus  
Mst. Ayesha Fatima Khan & others

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Fresh Case

1. For order on CMA No.5891/2023 (Urgent).
2. For order on office objection a/w reply as at "A".
3. For order on CMA No.5892/2023 (Exemption).
4. For hearing of main case.
5. For order on CMA No.5893/2023 (Stay).

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**Dated 19.12.2023**

Mr. Muhammad Nishat Warsi, Advocate for the Appellant.

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- 1) Urgency granted.
- 2-5) This appeal is arising out of an order passed on application under Order-I Rule 10 CPC filed in a suit for Administration. It appears that the appellant had entered into an agreement of sale perhaps with one of the sons of the deceased [Muhammad Afzal Khan]. There is no discussion in the agreement as far as the share of other legal heirs is concerned.

Advocate raised aforesaid points which, according to him, might come in the way of performance.

We have perused the impugned order, which shows that the right of the appellant was protected in terms of observations made in the second page of the impugned order. The appellant, if so desire, may pursue his case for performance subject to establishing of his case to such an extent, whereas, he has not been able to assist the learned single Judge as well as this Bench for allowing the application under Order-I Rule-10 CPC to be a party in the suit for Administration, which is explicitly between the

legal heirs of deceased. Even otherwise comments/observations made in the impugned order are only deemed tentative and were given to understand the brief facts of the litigation and would not affect the final conclusion and/or come in the way when the case is heard finally.

No interference as such is required. The instant High Court Appeal is dismissed in *limine* along with listed applications.

JUDGE

JUDGE

Ayaz Gul