

Order Sheet
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

CP No. D- 1308 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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05.09.2023

For orders on MA 7205/23
For orders on office objections
For orders on MA 7206/23
For orders on MA 7207/23
For hearing of main case

Ms. Fatima Zahara Ansari, Advocate for petitioner

1. Urgency granted.
2. To be considered on the next date.
3. Granted subject to all just exceptions.

4&5 During the pendency of a suit for performance, as argued by the petitioner's counsel that an agreement was executed, followed by a conveyance deed registered between rest of the legal heirs, excluding petitioner and an individual / outsider who was also witness to the first sale agreement between the "legal heirs" for which a suit for performance was filed. Although the application under Order I Rule 10 CPC was allowed and respondent No.17 was made party but petitioner was not allowed to amend the plaint on the count that it will change the complexion of the suit.

We have heard learned counsel and are of the view that it will change the complexion of the suit as cancellation of the purported registry deed could only be done through a separate proceedings not in a suit for performance; though respondent No. 17 has already filed a suit which is pending adjudication but in case it is so advised or desired an independent suit may be filed which may be dealt with in accordance with law. Petition merits no consideration and is dismissed.

JUDGE

JUDGE