

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

H.C.A. No.217 of 2024

Naeem Gabol & others

Versus

Province of Sindh & others

Date	Order with signature of Judge
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1. For orders on CMA 1275/24
2. For orders on office objection aw reply as at "A"
3. For orders on CMA 1276/24
4. For hearing of main case
5. For orders on CMA 1277/24

**Dated: 31.05.2024**

Mr. Ahmed Ali Hussain for appellants.

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Through this appeal appellants have assailed an order whereby their application under order I rule 10 CPC seeking to implead KDA as being necessary and proper party was dismissed.

Heard the counsel and perused record.

During the arguments learned counsel for appellants concedes that KDA does not claim any interest over the land in question. He however submits that during the inspection through Nazir some record was submitted by KDA, which shows that certain sectors have been carved out by the KDA. Even that does not create an interest of KDA over the land. If it pertains to submission of record of the KDA through which sectors have been carved out, at the most a witness could be summoned from KDA for the production of the record but this alone will neither make KDA a necessary or proper party as it has been demonstrated that both the litigants i.e. appellants and private respondent claim their respective title through revenue department, which is already arrayed as party in the proceedings. This being the situation, appellants are at liberty to summon the witness from KDA at the relevant time for production of certain documents, as referred above, but no interference to upset the impugned order is required and consequently instant High Court Appeal is dismissed along with listed applications.

**Judge**

**Judge**