

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

Before: Mr. Justice Muhammad Shafi Siddiqui, CJ
Mr. Justice Jawad Akbar Sarwana

High Court Appeal No.492 of 2024

M/s Kababjees Group Association
Versus
Province of Sindh & others

Date	Order with signature of Judge
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1. For orders on CMA 3023/24
2. For orders on office objections a/w reply at "A"
3. For orders on CMA 3024/24
4. For hearing of main case.
5. For orders on CMA 3025/24

Dated: 02.12.2024

Mr. Naseer Nehal Hashmi for appellant.

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Justice Jawad Akbar Sarwana, J.- Appellant, Kebabjees Group Association ("KBJ Group"), described in the title of the appeal (and in Suit 806/2024) as "Association of Persons" has impugned the trial Court's Order dated 26.09.2024 rejecting the Appellant/Plaintiff's above Suit under Order VII Rule 11 CPC because KBJ Group "is admittedly not a legal person."

At the very outset, Counsel for KBJ Group cannot satisfy this bench, at the prima facie level how it is a legal person. Counsel claimed that KBJ Group is "a registered partnership." but the authorization to file the Suit was given by "Kebabjee Restaurant". On a query from the bench, Counsel confirmed that the three entities, namely, (i) "**Kebabjees Restaurant**" (authority letter available on page 29 of the appeal); (ii) "**Kebabjees Fried Chicken**" (Sindh Food Authority ("SFA"), Government of Sindh ("GoS") Challan available on page 49); and, (iii) "**Kebabjees Bakers**" (SFA, GoS Challan available on page 53) were sole proprietorship concerns doing business as separate firms being supervised by the KBJ Group Association.

No case is made for any interference in the impugned Order dated 26.09.2024. Further, neither the Charter Documents, Certificate of Incorporation (for an Association incorporated under Section 42 of the Companies Act, 2017), NTN Certificate issued by FBR, nor Partnership Deed (registered with the Registrar of Firms, or as a Limited Liability Partnership (“LLP”) under the Companies Act, 1997 or unregistered) of **Kebabjees Group Association** is available on record.

In the circumstances, the appeal and all its applications are dismissed with no order as to costs.

Judge

Chief Justice