

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**High Court Appeal No.390 of 2023**

M/S Elite Screener  
Versus  
M/S G-One Enterprises and others

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Present:  
Mr. Justice Muhammad Shafi Siddiqui, C.J  
Mr. Justice Jawad Akbar Sarwana.

Hearing case (priority)

1. For orders on office objection a/w reply at "A".
2. For hearing of main case.
3. For hearing of CMA No.5680/2023 (Stay).

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**Dated 06.02.2025**

Mr. Muhammad Shafqat Swati, Advocate for the appellant.

Mr. Jahanzeb Balouch, Advocate for Respondent No.1.

Mr. Khaleeq Ahmed, Deputy Attorney General.

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**Muhammad Shafi Siddiqui, C.J.-** This is an appeal arising out of an order passed on 09.10.2023 whereby an application under Order-I Rule-10 CPC was dismissed.

2. The appellant preferred this appeal claiming itself to be a necessary and proper party. We have inquired from the counsel if he could assist us regarding the frame of Order-I Rule-10 CPC; he said that he hasn't brought the book that is called the Civil Procedure Code. We then asked as to how he could then assist us in making our mind as to being necessary and proper party, he argued that he would take us to the pleadings of the parties and that is it.

3. On the strength of the pleadings, we have heard the learned counsel who has not assisted us at all as to what Order-I Rule-10(2) CPC is. We then asked the Court Associate to provide us the

Civil Procedure Code. We have gone through Order-I Rule10(2) CPC, which provides that *“the Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added”*.

4. Since we have not heard a single word about Order-I Rule-10(2) CPC, we have perused the plaint, which is essentially against Engineering Development Board [EDB] in connection with on-going deliberation concerning issues pertaining to locally manufactured LED products or components thereof in CGO. If any party who could be framed as necessary and proper party, this could only be Engineering Development Board who is competent to issue a tax exemption certificate or otherwise decide this matter. Even otherwise the appellant was extended an invitation by the EDB to participate in the deliberation impugned in the suit. In the wisdom of the learned Single Judge the question involved in the suit could well be decided in presence of Engineering Development Board and that is it.

5. The necessity of the applicant/appellant as being defendant or plaintiff in the suit is neither required by the learned Single Judge nor it seems to be essential in terms of Order-I Rule-10(2) CPC and the frame of the suit.

6. This being a situation, the merit, as argued by the learned counsel for the appellant, is immaterial. The assistance could well be provided by the Engineering Development Board to the learned Single Judge who may decide the application and/or the suit pending before it. No interference is required.

7. In view of the above, the appeal is dismissed along with pending application(s) with cost of Rs.25,000/-, to be deposited by the appellant in the High Court clinic.

CHIEF JUSTICE

JUDGE

Ayaz Gul