

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
H.C.A. No.280 of 2022
[Mst. Sarwari Khatoon v. Syed Imtiaz Ali and others]

Date	Order With Signature Of Judge
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- 1.For orders on office objection a/w reply at A
- 2.For hg of main case
- 3.For hg of CMA No.2603/22

18.03.2025.

Ms. Wahiba Junejo, advocate for appellant.

Mr. Rehan Aziz Malik, advocate for respondent Nos. 1 & 2.

MUHAMMAD IQBAL KALHORO, J:- This appeal impugns an order dated 11.08.2022, passed by learned single Judge in Suit No.1352 of 2021, filed by respondent Nos. 1 and 2 against respondent No. 3 for dissolution of partnership, rendition of accounts and permanent injunction, in which, learned single Judge has appointed Official Assignee as Receiver.

2. This appeal has been filed on the ground that appellant is aggrieved by the order in that the company viz. M/s. Syed Engineering Services is a sole proprietorship owned by her and not a partnership firm as claimed in the suit, therefore, if the Receiver is appointed and the possession of the company is taken, she would suffer. After filing this appeal, it is stated, the appellant has also filed an application under Order 1 Rule 10 CPC in the suit, to be impleaded as party.

3. We have heard the parties at some length and have proposed that the point whether the appellant is the necessary party or not, shall be decided first by learned single Judge/trial Court on application already pending under Order 1 Rule 10 CPC. In case, the application is allowed and the appellant is impleaded as a party in the suit, then the application for appointing the Receiver should be heard afresh and appellant shall be given an opportunity to present her point of view as well. But in case, the appellant fails and her application is dismissed,

then automatically this order shall stand resurrected and the Official Assignee called upon to act in accordance with the order. This proposal has been accepted by both the parties. Therefore, the impugned order is set aside. Learned single Judge/trial Court, however, is directed to decide application under Order 1 Rule 10 CPC within a period of one month in accordance with law. After the application is decided, the arrangement as proposed above in each case shall follow.

This appeal is accordingly disposed of in above terms along with pending application.

JUDGE

JUDGE

HANIF