

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

Suit No.127 of 2008

29.04.2008

Mr. Yawar Faruqui, Advocate for Plaintiff.

Mr. Rehman Aziz Malik, Advocate for Defendant alongwith Syed Ali Haider, Advocate.

-----

Mr. Shakeel Pervaiz Bhatti, Advocate files power on behalf of the intervener, which is taken on record.

1. By this application the intervener has prayed for joining the proceedings as Defendant No.2.

In the affidavit in support of this application it has been stated that the defendant No.1 has appointed the intervener as agent in Pakistan vide Agreement dated 23.01.2008.

Before filing of this application similar application has been filed by the plaintiff on 18.3.2008.

The learned counsel for the plaintiff submits that now he is not pressing that application and has some reservations with regard to the impleading the intervener as defendant No.2.

The learned counsel for the defendant No.1 has no objection for impleading the intervener as defendant No.2.

The parties whose interest is involved or that the suit cannot be decided on merits without joining them as party to the proceedings they appear to be necessary and proper party to the proceedings it will be appropriate to implead them as party to the proceedings and in this regard, no application is required and the Court can implead the party at any stage of the proceedings.

In this matter, since the intervener was appointed as agent in place of the plaintiff some right has been accrued in its favour and it appears to be a necessary and proper party to the proceedings.

In view of the above, subject to all just exceptions this application is allowed as prayed. The intervener is impleaded as defendant No.2 in the proceedings. Amended title to be filed before the next date of hearing with advance copy to all the learned counsel appearing in this matter.

2. The urgent application is granted.

3. Notice to the alleged contemnors for 12.5.2008, on which date the matter is already fixed.

**JUDGE**

\*Farhan\*