

THE HIGH COURT OF SINDH KARACHI

J.C. Misc. No. 13 of 2026

[Muhammad Farrukh vs. Unity Foods Ltd., & others]

Petitioner : Muhammad Farrukh son of Amin Godil, through Mr. Sameer Tayebaly, Advocate, alongwith M/s. Ammar Suria and Nazia Mehak, Advocates.

Respondent 1 : Unity Foods Limited through Mr. Muhammad Umer Soomro, Advocate.

Respondents 2-5 : Nemo.

Applicant/Intervener : Infrazamin Pakistan through its Authorized Officer through Mr. Fahad Ali Hashmi, Advocate.

Date of hearing : 16-04-2026

Date of order : 16-04-2026

ORDER

Muhammad Osman Ali Hadi J. - 1] Urgency granted. 2] Learned counsel for the Applicant has filed CMA No. 273 of 2026, whereby he seeks to be joined as a party to the present proceedings. Learned counsel submits that the Applicant, *Infrazamin Pakistan*, is a secured creditor of M/s. Sunridge Foods (Pvt.) Limited, which, according to learned counsel, is a wholly owned subsidiary of Unity Foods Ltd. / Respondent No. 1. Learned counsel submits that certain agreements are in force between the Applicant, M/s Sunridge Foods (Pvt.) Limited and Respondent No.1; whereby a minimum shareholding is required to be maintained by Respondent No. 1 in M/s Sunridge Foods (Private) Limited.

2. Learned counsel submits that since the mediation proceedings may affect the shareholding of Respondent No. 1, the Applicant / proposed Intervener is a necessary party and accordingly seeks to be joined in the proceedings.

3. I have heard learned counsel and perused their Application. By virtue of order dated 19-03-2026, this matter was referred to Mediation by this Court, where the mediation process remains underway. This Petition and the mediation proceedings primarily pertain to an *inter se* dispute between the Petitioner and Respondents No. 2 to 4, and to which the Applicant holds no involvement.

4. Furthermore, the instant Applicant only claims a stake with M/s. Sunridge Foods (Pvt.) Limited who are not even a party to the instant Petition. Furthermore, a perusal of the said tripartite agreement relied upon by the Applicant,¹ and in particular clauses 7.2 and 12.2, would show that even such agreement pertains to shareholding relating to M/s Sunridge Foods (Private) Limited, and not the Respondent No. 1 / Company. Therefore, I further fail to see the relevance of the Applicant's intervenor application, or their requirement to join the proceedings at this stage.

5. The mediation proceedings relate to a dispute between the existing parties to the Petition, which does not involve the proposed intervenor / Applicant. Since the matter has already been referred to Alternative Dispute Resolution ("**ADR**") vide mediation, the inclusion of a party at this stage would only hinder the process, which would be directly contrary to the purpose for which the ADR mechanism was established.

6. Moreover, keeping in view the Applicant has approached this Court tardily, i.e. (2) two months after filing of the instant Petition, would also raise serious concerns about the motives of the Applicant. Allowing any such application, filed by a prospective applicant holding no direct nexus with the subject matter, would only serve to hinder and delay the mediation process. As stated *ibid.*, this would defeat the very purpose for which ADR / Mediation was enacted, whilst opening an entire gateway for persons to obstruct the ADR

¹ Available at pg. 601 along with the Intervenor Application; relevant pgs. 613 and 625

process by simply filing unrelated (and hence frivolous) applications in a bid to delay the proceedings.²

7. For reasons above-stated, I find the Applicant/proposed Intervener has failed to substantiate his legal standing in the matter, and has remained unable to make out a case for impleadment. Accordingly, CMA No. 273 of 2026 is dismissed.

JUDGE

SHABAN*

² Since the said applications would have to be heard prior to the ADR proceedings continuing