

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

Civil Revision Applications No.123 and 124 of 2025

Hameeda Begum
Versus
M/s A.G.E & Sons (Pvt.) Ltd.

Date	Order with signature of Judge
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1. For orders on CMA 5927/25
2. For hearing of main case.
3. For orders on CMA 5928/25

Dated: 07.05.2026

Mr. Sardar Sher Afzal Khan for applicant.

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Saman Rafat Imtiaz, J.- Through the instant Revision Applications the applicant has challenged the concurrent findings of the two Courts below whereby the applications under Order I, Rule 10 CPC in Civil Suits No.1002 and 1003 of 2009 were dismissed.

2. The learned counsel for the applicant has explained that the respondent filed the suits for declaration, injunction, mesne profit and possession against the applicant in which the applicant filed applications under Order I, Rule 10 Code of Civil Procedure, 1908 seeking to implead Chief Executive, Cantonment Board Clifton ("**Proposed Intervener No.1**") and Muhammad Anwar Fazil ("**Proposed Intervener No.2**") as parties to the suit, which applications have been dismissed by the trial Court vide orders dated 03.02.2025, which orders were maintained by the appellate Court vide impugned orders dated 22.07.2025.

3. The learned counsel for the applicant argued that the applicant has booked the subject shops and has paid certain payments in respect thereto in terms whereof possession was handed over to the applicant but sublease was not executed. Insofar as the application under Order I, Rule

10 CPC is concerned, he argued that the Proposed Intervener No.1 is a necessary and proper party as he is the holder of the record of bookings and allotments whereas Proposed Intervener No.2 is necessary and proper party as he has received the amount of booking etc., in respect of the subject shops on behalf of the respondent. He further argued that the applicant had also filed a suit against the respondent bearing No.1175 of 2013 which was decreed in terms of compromise submitted by Proposed Intervener No.2 on behalf of the respondent.

4. I have heard the learned counsel for applicant and perused material available on record.

5. The suits filed by the respondent are essentially to seek a declaration that the respondent company is the owner of the subject shops and for possession with consequential reliefs while alleging that the applicant is an encroacher. The proposed interveners have no nexus with the controversy involved in the suit which is a dispute between applicant and respondent in respect of the subject shops. The main ingredient to implead a party is whether his presence is necessary or proper for adjudication of questions involved in the suit or whether effective relief cannot be granted in his absence.

6. The grounds raised by the applicant in the application for impleadment is that the proposed intervener No.1 is liable to be impleaded to produce NOC for sale and list of allottees and proposed intervener No.2 has issued allotment, booking, sale and payment receipts with his signatures as the authorized officer. In view of grounds raised by the applicant for the impleadment of the said proposed interveners, it is clear and apparent that the objective of the applicant is to call the proposed interveners to produce evidence for which purpose the interveners may be called as witnesses if law permits. It is also pertinent to note that contrary to the submissions of the learned counsel for the applicant as recorded herein above, perusal of the memo of appeal shows that in paragraph 2

the applicant herself admitted that the earlier suit filed by her was dismissed for non-prosecution.

7. The applicant has not been able to establish that the said proposed interveners are necessary or proper parties without whom adjudication is not possible or the that no relief as claimed can be granted in their absence 8. In view of above these Revision Applications are dismissed *in liminie* along with pending applications.



Judge