

IN THE HIGH COURT OF SINDH, AT KARACHI
Civil Transfer Application No. 63 of 2025

Applicant : Mst. Nafisa Razi w/o Razi Farooqui, through
Mr. Sami Ahsan, Advocate

Respondent No.1 : Karachi Development Authority, through
its Director General, through
Mr. Muhammad Aqil Zaidi, Advocate

Respondent No.2 : Sindh Building Control Authority, through
its Chief Controller, through Ms. Afsheen
Aman, Advocate

Respondent No. 3 : Govt. of Sindh (*Nemo*)

Respondent No. 4 : Shahnawaz Munawar s/o Late Hafiz
Munawar, since deceased, through his LRs.,
through Mr. Muhammad Nouman Jamali,
Advocate

Respondents : Tajjamul Munawar s/o Late Hafiz Munawar
No. 5 to 8 & 3 others, through Mr. Makhdoom M. Talha
Advocate

Date of hearing : 18.05.2026

Date of order : 18.05.2026

ORDER

ZAFAR AHMED RAJPUT, CJ.- Through the instant Civil Transfer Application, filed under section 24 of the Civil Procedure Code, 1908 (“CPC”), applicant, Mst. Nafisa Razi, through her attorney/husband Razi Farooqi, seeks transfer of Civil Suit No.1330/2025 (Old H.C. Suit No.574/ 1996) [Re: M/s. Munawar & Company Pvt. Ltd. vs. KDA & others] (the “**subject Suit**”) from the Court of XIIth Senior Civil Judge, Karachi-Central (the “**Trial Court**”) to the Court of XIth Senior Civil Judge, Karachi-East.

2. Learned counsel for the applicant contends that the applicant’s suits for administration and recovery of rent and profits of the movable and immovable properties owned by her deceased father, Hafiz Munawar,

who died on 15.05.1986, and her mother, Hajiani Saleha Begum, who died on 16.07.2004, being Civil Suit Nos. 2626/2024 and 6826/2025 (*old H.C. Suit No.188/2012*), are pending adjudication before the Court of XIth Senior Civil Judge, Karachi-East. He further contends that the said civil suits of the applicant are primarily for the purpose of administration of the assets/properties of her parents; therefore, the subject Suit should also be transferred from the Trial Court to the Court of XIth Senior Civil Judge, Karachi-East for a harmonious decision with respect to the shares of the legal heirs of the said deceased. He also contends that the applicant is a **party** in the subject Suit, as she has filed an application under Order I, rule 10, CPC for her addition as the plaintiff. In support of his contentions, he has relied upon the case of *Diwan Azmat Said Muhammad vs. Haji Bakhtiar Said Muhammad and another* (**PLJ 1996 Lahore 1169**), wherein it has been held that the term “party” used in section 24 of the CPC is not to be limited to person named in title of the suit or appeal but it would include person, who has made an application under Order I, rule 10, CPC.

3. On the other hand, learned counsel for respondent No.4 maintains that the applicant is merely an intervenor in the subject Suit and her application under Order I, rule 10, CPC has yet not been granted by the Trial Court; hence, she has no locus standi to maintain the instant application, as she is not a **party** to the subject Suit. In support of his contention, he has relied upon the case of *Sindh Industrial Trading Estates through its Secretary, Karachi vs. Mst. Qamar Hilal and 5 others* (**2001 SCMR 1680**). He further maintains that even the defendants in the subject Suit are not parties to the suits filed by the applicant, and since the subject Suit has

a distinct cause of action, having no nexus with the suits filed by the applicant, it cannot be transferred to the Court of XIth Senior Civil Judge, Karachi-East.

4. Learned counsel appearing on behalf of the rest of the respondents have adopted the arguments advanced by the learned counsel for the respondent No. 4.

5. Heard. Record perused.

6. Section 24, CPC reads as under: -

General power of transfer and withdrawal. – (1) On the application of any of the parties and after notice to the parties and after hearing such of them as desire to be heard, or of its own motion without such notice, the High Court or the District Court may at any stage –

(a) transfer any suit, appeal or other proceedings pending before it for trial or disposal to any Court subordinate to it and competent to try or dispose of the same, or in any Court subordinate to it, and

(b) withdraw any suit, appeal or other proceedings pending in any Court subordinate to it, and

(i) try or dispose of the same; or

(ii) transfer the same for trial or disposal to any Court subordinate to it and competent to try or dispose of the same; or

(iii) re-transfer the same for trial or disposals to the Court from which it was withdrawn.

(2) -----

(3) -----

(4) -----

(Emphasis supplied)

7. It may be observed that section 24 of the CPC confers upon the District and the High Court the general power to transfer, withdraw and re-transfer at any stage, a pending suit, appeal or other proceedings either

suo moto or upon application by a **party**. In terms of Order I, rules 1 & 3, CPC, a **party** is the person whose name appears on the record of the suit as the plaintiff or the defendant. As elaborated in the case of *Sindh Industrial Trading Estates (supra)*, the word **party** in Corpus Juris Secundum has been defined as follows: -

"With reference to judicial proceedings, the word 'party' is generally used as meaning one of two opposing litigants, he or they by or against whom a suit is brought, whether at law, or in equity, the plaintiff or defendant, whether natural or legal persons."

Ballentine's Law Dictionary defines the word "party" as follows: --

"A person who had engaged in a transaction or made an agreement. One of the opposing litigants in a judicial proceeding-- a person seeking to establish a right or one upon whom it is sought to impose a corresponding duty or liability, including any person by whom or against whom a suit, either at law or in equity, is brought. For the purposes of a right to appeal, persons named as parties in the original pleadings and persons who subsequently come or are brought into the action for the purpose of seeking relief or of being subjected to relief..."

As such, in a legal parlance and juristic context, the word "**party**" refers to any individual, business, corporation, or government entity directly related to the party in the proceedings.

8. In the instant case, it is an admitted position that the applicant is not a **party** to the subject Suit. She has merely filed an application under Order I, rule 10, CPC in the subject Suit, which application is still pending adjudication. Sub-rule (2) of rule 10 of Order I, CPC, reads as under: -

(2) Court may strike out or add parties. 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.

(Emphasis supplied)

9. It can be gathered from the above, that the sub-rule (2) (*ibid*) permits the striking out of a **party** improperly joined, whether as plaintiff or defendant, and addition of a **person** as plaintiff or defendant. As such, the **person** who has applied to the Court to become party cannot be regarded as a **party** unless an order is passed by the Court allowing the request for his addition as a **party** to the suit/proceedings. Hence, a **person** who is not a party to the suit/proceedings cannot maintain a transfer application.

10. So far the dictum laid down in the case of *Diwan Azmat Said Muhammad (supra)*, cited by the learned counsel for the applicant, is concerned, I beg to differ on the premises that the term “parties” used in section 24 of the CPC cannot be equated with “persons” and taken into consideration in isolation but with the conjunction of Order I, rules 1, 3 & 10 (2) of the CPC. It may be observed that the legal terms must indeed be interpreted in the exact statutory context of the law. The Courts strictly apply definitions, scope and judicial interpretation based on the specific provision/section/order of the Act, where the term appears, ensuring that a term’s legal meaning aligns with legislative intent.

11. In view of the above facts, discussion and considering the legal provisions of law, the instant Civil Transfer Application is dismissed, accordingly, along with the pending application.

CHIEF JUSTICE