

IN THE HIGH COURT OF SINDH, KARACHI

Present:

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Mohammad Abdur Rahman

H.C.A. No.312 of 2023

[Mohatta Palace Gallery Trust v. Amir Ali and others]

H.C.A. No.361 of 2023

[Samir M. Chinoy and others v. Amir Ali and others]

Date of hearing: 08.09.2025

Mr. Faisal Siddiqui, advocate for appellant in HCA No.312 of 2023.

Mr. Talha Javed, advocate for appellants in HCA No.361 of 2023.

M/s. Zohaib Sarki and Imran Taj, advocates for respondent No. 1  
in both the appeals.

Mr. Kafeel Ahmed Abbasi, Additional Advocate General, Sindh.

**J U D G M E N T**

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**MUHAMMAD IQBAL KALHORO J:** Legal heirs of respondent No. 1 filed a suit for administration in respect of property known as “Mohatta Palace” along with other properties, duly detailed in the plaint. The suit was filed in 1971. The appellant (in HCA No.312 of 2023) filed an application in the suit to become a party pleading that legal heirs of respondent No. 1 had sold out the said property to the Sindh Government. Then the Sindh Government along with Federal Government, keeping in view historical importance of the building, created a trust/appellant to run a museum in the said property. That is how the appellant came in possession of the property. Meanwhile while the suit was pending, the learned single Judge on his own passed an order directing the relevant authorities to convert Mohatta Palace into a medical college. That order was challenged and was suspended. However, then the application filed by the appellant to become a party in the suit was dismissed by the learned single Judge holding that the appellant is neither a necessary nor a proper party.

2. We have heard learned counsel for the parties. It is apparent that certain questions of facts are involved in the matter. Clearly, out of some agreement, the property purportedly was sold out to the Sindh

Government and the Sindh Government along with Federal Government then created the trust/the appellant and handed over the property to it to run it as a museum. The appellant is in possession of the property since and running a museum.

3. In presence of these facts, non-making them a party would result in miscarriage of justice. After arguing at some length, learned counsel for respondent No. 1 submits that he would have no objection if only the Sindh Government is made party. However, we think that currently the appellant is in possession as a result of purported trust created by the Sindh Government, therefore, appellant is also a proper party and shall be made so in the suit, as without it a proper adjudication of the issue will not be possible. Therefore, we set aside the order and allow HCA No.312/2023.

4. Let the appellant be made as defendant in the suit. The amended title of the suit be filed within a week and the Court shall proceed with the suit expeditiously in accordance with law on merits. Learned counsel for appellant at this juncture submits that he has no intention to file any written statement or lead any evidence and he will argue the case on the basis of material available on the record.

5. Learned counsel for appellants in HCA No.361/2023 submits that if the property is converted into a commercial use against the law, he will avail his remedy by filing a suit and therefore for the time being he does not press this appeal viz. HCA No.361/2023, which is accordingly dismissed as not pressed along with pending application.

Both these appeals are disposed on in above terms along with pending applications.

JUDGE

JUDGE