

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**R.A No.236/2010**

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Date

Order with signature of Judge  
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1. For hearing of Main Case
2. For hearing of CMA No.5177/2010 (U/o.39 Rule 1 & 2 CPC)

**10.11.2016**

None present for the Applicant.

Mr. Zahid Marghoob, advocate for the Respondent.

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Learned counsel for the respondent has pointed out that this Revision is against dismissal of application under Order 1 Rule 10 CPC filed at the appellate stage and the plaint has been rejected under Order VII Rule 11 CPC. On dismissal of application under Order 1 Rule 10 CPC to implead CDGK, the applicant has preferred this Revision and is playing hide and seek. Be that as it may, I have gone through the impugned order of the learned Ist ADJ. The very fact that appeal was against the rejection of plaint, if at all, it was necessary to implead CDGK, such application should be filed or could have been before by the Court after decision reversed order on setting aside the order of rejection of plaint. In an appeal against rejection of a plaint, only that parties before the trial can be party and any other party cannot be added since additional of new party in appeal would not change the finding of rejection of plaint. The impugned order does not suffer from any illegality or lack jurisdictional error, this revision is dismissed.

JUDGE