

ORDER SHEET

# HIGH COURT OF SINDH AT KARACHI

HCA No.27 of 2006

Date

Order with signature of Judge

For Regular hearing.

30.10.2019.

Mr. Shahenshah Hussain, advocate for the appellant.

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The instant High Court Appeal has been filed primarily on the ground that the Suit bearing No.1545/2000 was dismissed on the ground that the person namely, Muzaffar Ahmed, who had filed the suit was not given any authority to file the said suit by M/s Goodwill (Pvt.) Limited through a resolution as well as, non-joinder of a necessary party. The learned Single Judge while passing the order in respect of the said suit dismissed the same on the such technicalities. The plaintiff was nonsuited simply on the ground that there is no resolution by the company in favour of the Muzaffar Ahmed, Manager of the company, and non-joinder of M/s PPB Corporation.

Mr. Shahenshah Hussain, advocate at the very outset stated that the said resolution passed by the Board of Directors in its meeting held on 8.11.2000 is available at page 73 of the file of Suit No.1545/2000, which somehow or the other skipped the attention of the learned Single Judge, who opined that there is no resolution in favour of Mr. Muzaffar Ahmed and thereafter the learned Single Judge dismissed the suit. He also submits that the plaintiff cannot be non-suited on the ground of non-joinder. The learned counsel in support of his contention has placed reliance on a decision dated 26.11.2009 given by the Hon'ble Supreme Court of Pakistan in Civil Appeal No.19-K of 2009.



Nobody in attendance on behalf of the respondent.

We have heard Mr. Shahenshah Hussain, advocate for the appellant and have also perused the record.

In order to examine the matter in its true perspective, we called the R&Ps of the Suit bearing No.1545/2000 and from perusal whereof we have observed that the resolution duly authorizing the Muzaffar Ahmed to sign and file suit is available on the page referred by the learned counsel, which somehow or other skipped the attention of the learned Single Judge. We, therefore under the circumstances are left with no option but to remand this case to the learned Single Judge to hear the matter afresh and decide the same on merits in accordance with law. Since this is a quite old matter, therefore it is expected that the same would be decided by the learned Single Judge within three months' time after granting opportunity of hearing to all the parties. With these directions, the instant High Court Appeal stands disposed of.

JUDGE

JUDGE