

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 327 of 2001

Date	Order with signature of Judge
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For hearing of CMA Nos:

1. 9403 of 2011 (U/O 6 R 17 CPC)
2. 4253 of 2006 (U/O 1 R 10 CPC)
3. 2193 of 2001 (U/O 39 R 1&2 CPC)
4. For examination of the parties/settlement of issues.

06/11/2013:

Mr. Mansoor-u-Arfin, Advocate for the plaintiff in CMA No.9403 of 2011.

Mr. Rana Ikramullah, Advocate for the plaintiffs.

Mr. Yousuf Ali Saeed, Advocate for Defendant No.3.

Learned counsel for Defendant No.3 has pointed out that there is an application (CMA No.4253 of 2006) under Order 1 Rule 10 CPC for impleading the interveners/applicants as co-plaintiffs in the suit. This application is pending since 2006 and today nobody is ready to own this application and argue the same. Mr.Rana Ikramullah Advocate is present in Court and watching the proceedings from Bench No.2 and once learned counsel Mr.Mansoor-ul-Arfin informed the Court that he is only appearing for the plaintiffs only for the application under Order 6 Rule 17 CPC (CMA No.9403 of 2011), the earlier counsel for the plaintiffs (Mr. Rana Ikramullah, Advocate) came forward informed the Court that he was under the impression that on induction Mr. Mansoor-ul-Arfin, Advocate, his duty is over in this case, therefore, he is not prepared to argue his application (CMA No.4253 of 2006) under Order 1 Rule 10 CPC.

This case is pending since 2001 and the application for impleading the interveners/applicants as co-plaintiffs is pending since 2006. In a situation like this the question arises that how the cause of action which had accrued in 2001 or even before will survive for the co-plaintiffs after seven years. The other question is that why the proposed co-plaintiffs have not filed a separate suit even on the same cause of action being independent entity. Under the circumstances even the application for amendment of the plaint has to adjourn so that the proposed co-plaintiffs if they become plaintiffs in this case should also to know the status of the pleadings.

Adjourned to a date in office.

JUDGE

S.Akhtar