

IN THE HIGH COURT OF SINDH AT KARACHI
Suit No. 327 of 2006

Date	Order with signature of Judge
1.	For hearing of CMA No.4253/2006 (U/o.I Rule 10)
2.	For hearing of CMA No.9403/2011 (U/o. 6 R 17)
3.	For hearing of CMA No.2193/2001 (U/o.39 Rule 1 & 2)
4.	<u>For Examination of parties / settlement of issues</u>

(It is respectfully pointed out that court order dated 06.11.2013, may kindly be seen).

17/12/2013:

Mr. Mansoor-ul-Arfin, Advocate for the Plaintiff in CMA No. 9403/2011.

Mr. Muhammad Zia Qureshi, advocate holds brief for Mr. Muhammad Zubair Qureshi, Advocate for the Defendant Nos.1 &2. Mr. Khurram Ashfaque, advocate holds brief for Mr. Yousuf Ali Saeed, Advocate for the Defendant No.3.

1. This is an application under Order I Rule 10 CPC pending since 2006. On the last date of hearing and even today nobody attempted to own this application and argue the same. Perusal of the application shows that intervenors want to become co-plaintiff and there is no justification to become co-plaintiffs, and if they have separate cause of action they may file separate suit. Nobody has come forward to justify reason for becoming co-plaintiffs in this suit which is filed in 2001 through an application for being impleaded after six years. In the circumstances, application is dismissed for non-prosecution.

2. Mr. Mansoor-ul-Arfin learned counsel for the plaintiff has suggested that by amendment the only prayer clause the complexion of the suit will not be changed no fresh evidence would be required to substantiate the plaintiffs' point of view after amendment of the plaint. There is no serious objection from the other side and apparently this amendment would not cause prejudice to any side. Under the circumstances, this application is

allowed. Mr. Mansoor-ul-Arfin, learned counsel is requested to file amended plaint within 10 days.

Mr. Mansoor-ul-Arfin, learned counsel was engaged by the plaintiffs only for the purpose of this application and his vakalatnama was only for the purpose of this application, therefore, he stand discharged. However, since this order has been passed on the application, he shall ensure that amended plaint is filed by his client, if for whatever reason the amended plaint is not filed this order will be vacated.

3&4. Deferred.

JUDGE

SM

