

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit No.833/2005

DATE	ORDER WITH SIGNATURE(S) OF JUDGE(S)
1.	For hearing of CMA No.1639/2014
2.	For hearing of CMA No.1640/2014
3.	For hearing of CMA No.1641/2014
4.	For hearing of CMA No.5979/2014
5.	For orders on Nazir's report dated 27.9.2014.

29.9.2014

Mr. Shaiq Usmani, advocate for the Plaintiff.
Mr. Muhammad Ishaque, advocate holding brief for
Ms. Shazia Hinjra, advocate for the Defendant.
Mr. M. Yaqoob Nasar, advocate for applicant / Intervener

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1 to 3. Counter affidavit to these applications have been filed, copy has been supplied to the learned counsel for the Intervener/Applicant. However, they are not in attendance and they were also not present on the last date of hearing. As a last chance matter is being adjourned, if on the next date they will not appear these applications will be dismissed on account of non-prosecution.

4. Through this application Imran Shafeeq wants to become party in this suit, which is pending since 2005, on the basis of agreement of sale dated 3.4.2013 with one Mst.Rabia Bano. This is admitted position that original owner of suit property Mst.Faiz-un-Nisa mother of the original Defendants in this suit had died way back in 1991 and applicant / intervener has entered into a sale agreement with one Mst.Rabia Bano, in 2013 without any document to succeed the property of the deceased Mst.Faiz-un-Nisa. Learned counsel for the applicant/intervener admits that Mst.Rabia Bano has not obtained any succession certificate.

Be that as it may, claim of the intervener is merely on the basis of sale agreement and none of the party to the said agreement is before this Court. Even otherwise Section 54 of the Transfer of Property Act, 1882 does not

confer any right, title or interest in the immovable property except to sue the executant to specifically perform his part of the contract. On query from the counsel, learned counsel for the intervener says that Intervener wants to become Defendant. Strangely enough, this suit is also for specific performance of contract between Plaintiff and Mst.Nareem Hussain and the Intervener has entered into an agreement with one Mst.Rabia Bano, therefore, he may file any proceeding against the said Rabia Bano but he is not and cannot be a necessary party in the present suit.

In view of the above the listed application is dismissed as not maintainable.

5. Deferred.

To come up on 22.10.2014 as per roster.

JUDGE

SM*