

Form No: HCJD/C-121  
ORDER SHEET  
IN THE ISLAMABAD HIGH COURT, ISLAMABAD  
(JUDICIAL DEPARTMENT)

Civil Revision No.232/2014

Shaukat Ali

Versus

Muhammad Zubair, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	03-07-2019	Mr Munir Ahmed Kayani, Advocate for petitioner. Mr Habib ur Rehman Chohan, Advocate for respondents.

Through this petition, the petitioner has assailed orders, dated 23-07-2014, passed by the learned Additional District Judge (East), Islamabad whereby the petition assailing order, dated 09-04-2014, passed by the learned trial Court was allowed.

2. The facts, in brief, are that Muhammad Zubair son of Abdul Mannan (*hereinafter referred to as 'respondent no.1'*) filed a suit against respondents no.2 to 5 seeking possession through preemption. The petitioner was not arrayed as one of the defendants and, therefore, he filed an application under Order I Rule 10 of the Code of

Civil Procedure, 1908 seeking impleadment. The petitioner asserted that since he was the seller of the land, therefore, he ought to have been impleaded. The learned trial Court allowed the application vide order, dated 09-04-2014. Respondent no.1 assailed the said order by invoking the revisional jurisdiction. The petition was allowed vide the impugned order, dated 23-07-2014.

3. The learned counsel for the petitioner has been heard at length. The learned counsel was asked whether in a preemption suit, the seller of the land could be treated as a necessary party. The learned counsel, taking a fair stance, has stated that the petitioner is not a necessary part but he ought to have been impleaded as a proper party.

4. The learned counsels have been heard and the record perused with their able assistance.

5. Admittedly, respondent no.1 has instituted a suit for possession and preemption. It is an admitted position that the petitioner was not the owner at the time when the suit was instituted. The

petitioner had sold the land regarding which the suit is pending. He was, therefore, not a necessary nor a proper party. The learned Additional District Judge has passed a well reasoned order, dated 23-07-2014, which does not suffer from any legal infirmity.

6. For the above reasons, the instant petition is without merit and is, therefore, accordingly dismissed.

(CHIEF JUSTICE)

Luqman Khan.