

**OS 35/2023**

**ORDER ON IA NO. 6**

When the matter was posted for passing order on IA No. 5, on 15.07.2024, Sri. DLK advocate for proposed D.9 to 12 filed this application U/o 1 rule 10 R/w 151 of CPC seeking permission to implead them in this case.

In affidavit annexed to the application, the proposed D.9 to 12 in joint affidavit stated that they are wife and children of Syed Musheer who died on 18.06.2011. the one of the suit schedule properties are belonging to one Syed Rasheed who is father in law of the proposed D.9. The husband of proposed D.9 by name Syed Musheer is son of Syed Rasheed. Since, the proposed D.9 to 12 are Lr's of deceased Syed Musheer, are having equal rights in the suit schedule properties. To deprive the rights of proposed D.9 to 12, the plaintiff colluding with the defendants filed this suit. Recently

the proposed D.9 to 12 came to know the proceedings of this case and accordingly came up with this application and pray to allow the application.

The plaintiff objected the application by filing objections contending that the application is not maintainable. The proposed D.9 to 12 not made out any grounds for impleading them in this case. The plaintiff denied the relationship of one Syed Musheer with that of the proposed defendants. Hence, the false application being filed by the proposed defendants and prays to dismiss the application.

The points that arise for consideration are

- 1) Whether the proposed D.9 to 12 are made out sufficient grounds that they being Lr's of deceased Syed Musheer who is son of Syed Rasheed and are necessary parties to this proceedings for adjudication of the matter effectively?

2) What order?

Heard. Perused the records.  
My answers to the above points are,

**Point No.1:** in the Negative.

**Point No.2:** as per final order for  
the following,

**REASONS.**

**Point No. 1.** The proposed D.9 to 12 maintained present application stating that they are Lr's of deceased Syed Musheer who is son of Syed Rasheed. The plaintiff in the objection statement denied the very relationship of the proposed defendants with that of one Syed Musheer who is allegedly a son of Syed Rasheed. Despite taking such defence, the proposed D.9 to 12 not placed any materials before the court to show that one Syed Musheer is son of Syed Rasheed. And the proposed D.9 to 12 are Lr's of deceased Syed Musheer. In the absence of materials supporting the claim as

Lr's of Syed Musheer as well as the said Syed Musheer is son of Syed Rasheed, this court is unable to consider the plea of the proposed D.9 to 12 as necessary parties to this case on the basis of self serving awarements without supporting materials. For want of materials connecting the relationship of the proposed D.9 to 12 with that of Syed Rasheed, the this court is of the considered view the proposed D.9 to 12 have not made out sufficient grounds that they are necessary and proper parties to this proceedings for deciding the matter effectively.

Accordingly this point is answered in the negative.

**POINT No. 2** In view of forgoing reasons I proceed to pass the following,

**ORDER**

IA No. 6 filed by proposed D.9 to 12 U/o 1 rule 10 R/w sec. 151 of CPC is hereby rejected.

Call on for order on IA No. 5 by  
28.11.2024.

Sd/-  
Sr. C. J. and JMFC, Cng.,