

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit Nos.1560, 2579 of 2014 and 32 of 2015

Date	Order with signature of Judge
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Suit No.1560 of 2014.

1. For orders on CMA No.12740 of 2017.
2. For hearing of CMA No.8621 of 2014.
3. For hearing of CMA No.12175 of 2014.

Suit No.2579 of 2014.

For orders on CMA Nos.

1. 12742 of 2017.
2. 1607 of 2015.
3. 2230 of 2015.
4. For hearing of CMA No.17424 of 2014.
5. For Examination of parties / settlement of issues.

Suit No.32 of 2015.

1. For orders on CMA No.12731 of 2017.

For hearing of CMA Nos.

2. 270 of 2015.
3. 489 of 2015.
4. 490 of 2015.
5. 494 of 2015.
6. 5584 of 2015.
7. 5585 of 2015.
8. 5586 of 2015.
9. 6386 of 2015.
10. 13782 of 2015.

Dated 27.10.2017

Syed Ahsan Raza, Advocate for Plaintiffs.
Mr. Masroor Ahsan, Advocate for Applicant.
Syed Lal Hassan, Advocate for Defendant No.6.
Syed Aal-e-Maqbool Rizvi, AAG along with Ms. Naheed Akhtar, State Counsel.
Members of Rizvia Societies as well as Managing Committee_
(i). Waseem Mehdi Syed (ii) Raees Swaley (iii) Ishrat Swaley and (iv). Syed Ali Ghazanfar Rizvi.

These are three connected suits relating to the Rizvia Cooperative Housing Society Limited. Syed Masood Hussain Jaffri is a common Plaintiff in connected / tagged Suits No.2579 of 2014 and Suit No.1560 of 2014, **whereas**, Syed Haider Abbas Rizvi is the Plaintiff No.2 in instant cause and also in Suit No.2579 of 2014. In Suits No.32 of 2015 and 2579 of 2014 only officials are arrayed as Defendants, who are represented by learned AAG and State Counsel. The only private Defendant is in Suit No.1560 of 2014 (Syed Ali Ghazanfar Rizvi) who is present in Court today and represented by his Advocate.

After hearing the parties at some length it appears that there is a checkered history of disputes *inter se*, that culminated into taking over

of Society by the Government and filing of litigations. Eventually, a joint proposal was filed on 12.10.2017 and a Statement was appended by Advocates for Plaintiff No.6 and Defendant No.6.

Today, the learned counsel for Defendant No.6 has also filed a Statement, where under, *inter alia*, an order dated 28.12.2015 has been placed on record, by virtue of which, earlier Administrator Syed Muhammad Azeem Shah Naqvi was replaced by erstwhile Managing Committee of the Society.

Crux of the joint proposal / Statement is that all the parties agree, including the members of the Managing Committee who are present today, that a fresh Election should be held in terms of statutory Provisions and Bye-laws of the Rizvia Cooperative Housing Society Limited. The proposed Elections will be for the entire body, that is, to elect a President, Committee, Auditor and other Officer as mentioned under Chapter-VIII of the Bye-laws; Bye-law 37 (2). It is further jointly stated that in order to maintain the transparency, the said Elections should be held under the supervision of the Nazir of this Court and a representative of Registrar Cooperative Societies, Sindh, which is otherwise a legal requirement.

Since the above proposal is not in violation of any law, thus, the same is accepted and fresh Elections for the entire body will be held on 20.12.2017. Nazir of this Court is appointed as Commissioner to supervise the process of Elections, which should be held strictly by complying the statutory requirements as well as Bye-laws of the above named Cooperative Society Limited. The other modality will be settled by the Nazir in coordination with learned counsel for the parties present

today, members of the Managing Committee as well as the Registrar Cooperative Societies, Sindh, in order to hold the Elections within time and within parameters of law. Nazir would settle his fee/charges.

In view of above, all these three suits stand disposed of along with listed applications. Officials and particularly Registrar of the Cooperative Societies, Sindh, is directed to assist the Nazir of this Court, *inter alia*, by providing requisite Staff.

Parties including officials are put on notice that if any impediment is created in holding fair and free Elections, then on the Report of Nazir, contempt proceeding would be initiated against the delinquent party.

JUDGE

Javaid