

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-6444 of 2014

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.
Mr. Justice Abdul Maalik Gaddi.

Muhammad Imran Kholiya & another.....Petitioners

V E R S U S

Honorary Secretary,
Sindhi Muslim Cooperative
Housing Society Ltd., & others.....Respondents

Date of hearing 03.02.2017

Mr. Muhammad Younus advocate for the petitioners.

Ms. Nasreen Sahito, State Counsel.

Mir Muhammad, Bailiff, High Court of Sindh, Karachi.

Muhammad Ali Mazhar, J: The petitioners have filed this petition in which it is inter alia contended that they are bona fide purchaser of the house No. 151, Block-B, Survey No. 339, measuring 600 Sq. yards, situated at Sindhi Muslim Cooperative Housing Society, Karachi. The plot was purchased by them from Respondent No.4. The copy of registered conveyance deed dated 28.07.2011 is available at page 95 of the court file in which Muhammad Rafiq Saya (Respondent No.4) is vendor who executed the conveyance deed in favour of the present petitioners. The grievance of the petitioners is that despite registered conveyance deed in their favor, the Respondent No.1 is not mutating/transferring the plot in favor of the petitioner in their record nor admitting them as

members of the society. It is further argued that the petitioners made various approaches and filed applications but nothing has been responded them in writing as to why they are avoiding to mutate/transfer the property in favor of the petitioners.

2. Learned counsel pointed out some legal notices which were issued to the Registrar Cooperative Society and Ministry of Corporation, Government of Sindh and copy of all these letters were also endorsed to the Secretary of the Sindhi Muslim Cooperative Housing Society but no positive action has been taken so far. He further argued that the petitioners are ready to comply with all requisite formalities in view of the Cooperative Society Act as well as Bye Laws of the Sindhi Muslim Cooperative Housing Society and there is no dispute of title.

3. When this matter was fixed before us on 12.01.2017, we issued notice to the Respondent No.1 to appear in person and matter was adjourned to 27.01.2017 but due to some inefficiency of the Bailiff, the notice could not be served, therefore, we again directed to issue notice and also sought explanation of the concerned Bailiff. Today, Bailiff Mir Muhammad is present and he has submitted the report to show that notice has been served upon the Respondent No.1 on 28.01.2017. They have also affixed their official seal on the notice but they are called absent. This petition is pending since 2014 while the plot was purchased by the petitioners in the

year 2011 and since then the matter is lingering on very short point of mutation. It is the responsibility of the Respondent No.1 being honorary secretary of the society to process the case for further action in accordance with law. No counter affidavit/reply has been filed by Respondents which shows their disinterest in the matter. So far as the explanation of the Bailiff is concerned, it is accepted and taken on record, however, he is warned to be careful in future.

4. As a result of above discussion, this petition is disposed of with the directions to the Respondent No.1 to process the mutation/transfer matter of the petitioners in accordance with the Law and Bye Laws of the Society within forty five (45) days. The petitioners are also directed to approach to the Respondent No.1 and fulfill all requisite formalities including the payment of fee for the mutation in accordance with law and after verifying the title documents including objection if any received, the matter shall be processed by the respondent No.1. The respondent Nos.2 and 3 will also ensure the compliance of this order.

JUDGE

JUDGE

Aadil Arab