

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-8964 of 2018

Date	Order with signature of Judge
-------------	--------------------------------------

Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Agha Faisal.

Aligarh Muslim University.....Petitioner

Versus

The Province of Sindh & others.....Respondents

Date of hearing 16.05.2019

Mr. Tasawar Ali Hashmi advocate for the petitioner a/w Ms. Saeeda Khursheed advocate.

Mr. Obaid ur Rehman advocate for the respondent No. 4 to 8.

Mr. Jawwad Dero, Addl. A.G.

Abdul Aleem Shaikh, Secretary, Industries & Commerce, Government of Sindh.

Abdul Ghani, Office Secretary of the petitioner.

Muhammad Akbar Ali Khan, respondent No.7 is also present.

Muhammad Ali Mazhar, J: In pursuance of the order passed by us on 13.05.2019, Abdul Aleem Shaikh, Secretary, Industries & Commerce, Government of Sindh is present. He submits that inquiry was conducted by him in the affairs of the petitioner's society and there were some reservations with regard to acceptance of life membership of 109 members. The similar controversy was also raised before us, recorded in the order dated 13.05.2019, but despite such reservations the learned counsel for the petitioner and respondent Nos. 4 to 8 reached an amicable settlement and the matter was

adjourned to today in order to finalize the matter in the presence of the representatives of the respondent Nos. 2 & 3.

2. Mr. Abdul Aleem Shaikh, Secretary, Industries & Commerce, Government of Sindh has also no objection if the petition is disposed of by consent of the parties with certain modalities. After hearing learned counsel as well as Abdul Aleem Shaikh, Secretary, Industries & Commerce, Government of Sindh, this petition is disposed of in the following terms:

- (i). A Scrutiny Committee shall be constituted under the Chairmanship of the Nazir of this Court and the petitioner as well as the respondent Nos. 4 to 8 may nominate two members from each side, hence, the Scrutiny Committee shall comprise of two members nominated by the petitioner, two members nominated by the respondent nos. 4 to 8 and the Nazir of this Court. The petitioner and respondent Nos. 4 to 8 shall communicate the names of their nominees, with their respective addresses, to the Nazir within four working days.
- (iii). The Nazir shall call the meeting of the Scrutiny Committee under his Chairmanship within seven days after receiving the names of the nominees from both sides.

- (iv). The terms of reference of the Committee is to examine the membership forms of the challenged 109 life members, and all relevant documents in such regard shall be provided to the Nazir of this court by the Office Secretary of the petitioner Mr. Abdul Ghani, who is present in court, within three days.
- (v). The Committee shall examine the forms and if it is found that any person is found to have been made member in violation of bylaws of the petitioner's society, his membership will be cancelled. It is further agreed by the petitioner's counsel that in case even if single member has been found to have been made member of the society otherwise in accordance with the bylaws then fresh elections shall be conducted in accordance with bylaws of the society. However, if it is found that any person is eligible to become member of the society but due to deficiency of any document or requirement, he could apply to the Committee and Committee shall examine this aspect and the deficiency may be made up with the approval of the Committee.
- (vi). In case it is proved that all 109 life members were rightly made members of the society then the same Committee under their supervision will count the votes of the election conducted on 29.12.2018 and hand over the charge to the elected Managing Committee.

- (vii). Since some inquiry was also conducted by Abdul Aleem, Secretary, Industries & Commerce, therefore, Abdul Aleem, Secretary, Industries & Commerce may himself or via any representative from his office attend the meeting/s of the Scrutiny Committee.
- (viii). The Nazir's fee shall be Rs. 50,000/- (rupees fifty thousand) which will be paid 50% by the petitioner and 50% by the respondent Nos. 4 to 8 in advance to the Nazir of this court. After finalizing the term of reference by the Committee, the report shall be filed by the Nazir in Chambers with advance copies to the learned counsel for the petitioner and learned counsel for the respondent Nos. 4 to 8.
- (ix). This Petition is disposed of accordingly along with pending application.

JUDGE

JUDGE