

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D- 3140 of 2018

DATE

ORDER WITH SIGNATURE(S) OF JUDGE(S)

Present

Mr. Justice Muhammad Ali Mazhar

Mr. Justice Agha Faisal

Grace Bible Church through its Chairman Mukhtar Masih

vs

Provincial Assistant Registrar, Joint Stock Companies Sindh

For orders as to maintainability of petition.

08.11.2018.

Mr. Riaz Ahmed Abbasi, Advocate along with Petitioner Mukhtar Masih.

Mr. Tahir Durrani, Counsel for State.

Junaid Ahmed, Provisional Assistant Registrar, Joint Stock Companies Sindh is present in person.

Respondent No.3 Younas Malik S/o Bashir Masih is also present in person.

Muhammad Ali Mazhar, J: The petitioner has alleged to be the Chairman of Grace Bible Church. To run the affairs a Managing Committee has been constituted which is registered under the provision of Societies Registration Act, 1860. It is further stated in the Memo of Petition that the Church has Membership more than 100 families. On 29.1.2018 the respondent No.2 had lodged a complaint to the respondent No.1 of some illegalities allegedly committed by the petitioner's Managing Committee in which the Provisional Registrar vide letter dated 14.2.2018 called upon the petitioner's Chairman to submit the comments on the complaint. However, vide letter dated 02.4.2018 (impugned letter) the respondent No.1 observed in the letter that the petitioner has failed to furnish comments within the stipulated period of time, whereas, the petitioner's counsel submits that comments were submitted in response to the complaint filed by the respondent No.2. In the concluding paragraph of impugned letter, Provisional Registrar communicated that registration of Managing Committee registered in his office has been cancelled. Counsel for the petitioner submits that no proper opportunity has been given to place the case of the petitioner before the

respondent No.1 and without proper inquiry, the impugned letter was issued. The Provisional Registrar after making some submissions proposes that he will again conduct proper inquiry and provide an opportunity of hearing to the petitioner's Chairman viz. Mukhtar Masih and Younas Bashir/Respondent No.2 and after taking their point of view he will pass appropriate order. The petitioner and the respondent No.2 both are agreed to this proposal. In view of his statement the impugned letter is set aside. The Provisional Registrar is directed to conduct inquiry and pass speaking order after providing ample opportunity of hearing to the petitioner and respondent No.2 within one month. The Provisional Registrar will also intimate the date of hearing in writing to the petitioner and respondent No.2.

Judge

Judge

AbRzk

